

**Memory and Justice in Argentina's "Dirty War":
Reading the Limits of National Reconciliation**

by

Mario Di Paolantonio

**A thesis submitted in conformity with the requirements
for the degree of Master of Arts
Department of Curriculum, Teaching and Learning
Ontario Institute for Studies in Education of the
University of Toronto**

© Copyright by Mario Di Paolantonio 1998



National Library
of Canada

Acquisitions and
Bibliographic Services

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque nationale
du Canada

Acquisitions et
services bibliographiques

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence

Our file Notre référence

The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.

L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

0-612-33983-1

Abstract:

Memory and Justice in Argentina's "Dirty War":

Reading the Limits of National Reconciliation

A thesis for the degree of Masters of Arts 1998

Mario Di Paolantonio

Department of Curriculum, Teaching and Learning

Ontario Institute for Studies in Education of the

University of Toronto

The thesis considers the limits of the legal representational strategy in post-dictatorship Argentina. It sketches the ethical consequences of the seemingly benign suggestion, that the retelling of a traumatic event through the protocols of the law can provide a lesson that fosters national reconciliation. The apparent pedagogical "soundness" of transmitting the traumatic event, through legal commemoration, will be complicated by considering how the law is employed as a mechanism for bounding knowledge. Hence, the thesis will explore how in its desire to limit its own loss of legitimacy, the nation attempts to transcribe the traumatic event into a contained and exemplary legal narrative that privileges national reconciliation over all other concerns. A fundamental concern for the thesis is with how to pay attention to what remains on the way to reconciliation. This concern with what has been excluded, or repressed by the legal-narrative of the event, points to an ethical reading practice which is able to read the limits of representation. The thesis will unfold how this reading of the limits introduces a notion of "justice" which always exceeds and exposes the lack in any present norms or laws. Consequently, the thesis will ask what does this reading of the limits imply for the writing and transmission of history.

table of contents

Abstract	ii
<u>Introduction</u>	
Memory and Justice in Argentina's "Dirty War": Reading the Limits of National Reconciliation	1-12
Introduction	1
The Immemorial Obligation: Tending the Before and Beyond the Present	2
Repairing the Symbolic: The Conceptual Issues at a Glance	6
<u>Chapter One</u>	
The Return of the Subject: Opening and Assuaging the "We"	13-39
Introduction	13
Matters of Horror	15
Nation and Abjection	19
Assuaging Identity	22
Mourners-in-Waiting	28
A Liturgy of Facts	31
The Search for Who "We" Really Are	34
<u>Chapter Two</u>	
The "Post-Dirty War" Legal Strategy: Reading the Limits of National Reconciliation	40-78
Introduction	40
Crisis and Redemption/Remembering the Nation	41
Bracketing and Re-legitimizing National Desire	46
The Law, National Reconciliation and its Limits	51
Ways of Reading	58
The Remains of Reconciliation: Reading the Other	60
Differends Before the Law	63
After the Facts, <i>What else is there to know?</i>	68
A Memory of Justice	73
<u>Chapter Three</u>	
Writing From an Other Imperative	79-133
Introduction	79
Linking Onto the Scandal	86
The Genre of the Annotation	88
Grasping Meaning: the Enabling Prejudices of the Present	90
A Reciprocal Proposal: the Fusion of Horizons	93
Concentric Circles: the Continuous Center of the Tradition	96
The Ethical Limits of Understanding	99
<i>Caught</i> Before the Law of law: An Other Imperative	103
The Ethical Irony of Contingency and Solidarity	108
Responding to Suffering: the Haunting in the very Binding of the "We"	112

Chapter Three (continued)

A Note on Rhetoric: the Materiality of an Obligation	116
The Obligation to the Unsaid: Bearing the Weight of an Affliction	117
Bearing Negative Witness: Writing (in) the Forgotten	126
A Memory of Justice: the Promise to <i>the Forgotten</i>	131

<u>Bibliography</u>	134-143
----------------------------	----------------

Introduction

Memory and Justice in Argentina's "Dirty War": Reading the Limits of National Reconciliation

Look, these are the photographs of my children, this one here has an arm I don't know if it's my son's, but I think it might be that this is his sweet little arm.

Look, here are his legs, severed, cut and torn but they are his legs or perhaps the legs of another.

Don't be afraid. They are only photographs. They said it is a form of identification and if at best they show them to you

you will be able to help me find him.

Look at these photographs and record them in the albums of life. —Marjorie Agonsin,

Circles of Madness

...to make them present, in the first place by *identifying* the bodily remains and by *localizing* the dead... One has to know. *One has to know it. One has to have knowledge* [Il faut le savoir]. Now, to know is to know *who* and *where*, to know whose body it really is and what place it occupies —for it must stay in its place. In a safe place... Nothing could be worse, for the work of mourning than confusion or doubt: one *has to know* who is buried where —and *it is necessary* (to know—to make certain) that, in what remains of him, *he remain there*. Let him stay there and move no more! —Jacques Derrida, *Specters of Marx* (p.9)

Amidst the remains she stands looking for a name to put to rest. She stands in an afterworld where there are no graves or gravestones, where the dead have been allowed to die nameless, as undistinguished members of a condemned mass called "los desaparecidos". *"I saw it on the TV. It was simply horrible. In an excavated plot among lumps of earth, a huge machine like some sort of a crane was diggir.g with its teeth --was enlarging a hole and then heaving out to one side ...bones, human bones.*

That is what they wanted to give back to us of our children"(Mellibovsky 1997:161). As bulldozers, spades and shovels load mounds of bones on top of each other, she stands in an afterworld where a matter-of-fact inquest replaces eulogies and funeral rites. *"All this was happening at the dawn of democracy, when thousands of Mothers and relatives were rushing forward with demands to let us know our children's whereabouts"*(Mellibovsky 1997:162). The need for the "facts", the necessity for the "truth", would unearth the mass graves in order to bury them under the grounds of "national reconciliation". Yet, it is impossible to reconcile "the disappeared" with the "fact" of murder, or even death. *"Our children are not dead,"* one of the Mothers insisted. *"They are 'disappeared'"*(Bouvard 1994:147). Something which surpasses our vocabulary, something nonencompassable obligates us to think otherwise than any simple reconciliation. The Oedipal thrust towards "self-knowledge" and "truth" stumbles upon Antigone's imperative.¹ For with shattered pieces of memories, with words overheard, she must, somehow, return the name.

The Immemorial Obligation: Tending the Before and Beyond the Present

There is perhaps no task more demanding and urgent than that of returning the name to the remains. An immemorial yet fragile promise for the present to care for the singularity of the dead is the ground in which all generations link together to make

¹ Antigone's obligation to bury her dead brother (Polyneices) obeys an other order which is beyond Creon's "rational" commitment to the present order of the state: because Polyneices died fighting against his city, the state requires the he shall be left "all ghastly where he fell, a corpse for dogs to maul and vultures to pick"(Sophocles 1958:171). Antigone's defiance of her present norms points to a primordial obligation that precludes the closure of any claims to realize justice by what we can presently "know". Although Creon can explain the rationality and institutional necessity of his actions (which are law), Antigone is not motivated to obey his law since, "I never thought your edicts had such force They nullified the [Other] laws..., which, Unwritten, not proclaimed, can boast A currency that everlastingly is valid; An origin beyond the birth of man"(Sophocles 1958:179). I would like to suggest that Antigone's defiance stages an obligation for thought to think the limits of what it knows - for the law to encounter its limits; in this way our present "knowledge" becomes vulnerable to an other imperative, to the Law of law. The encounter of the limits of "knowledge", or "truth", through an other imperative will be one of the organizing principles of the thesis. Thus, the Oedipal quest for "knowledge", or "truth" will be questioned through "a primordial (not primitive) set of urgencies at work, not in the form of an articulated political philosophy but, instead, [through] exigent imperatives..."(Elshtain 1989:231). This will be specifically developed in chapters two and three of the thesis.

"human beings" of one another. We in the present who are the afterworld in which the dead dwell are entrusted with this founding promise of human society.² In this way the present is always already obligated before itself, utterly indebted to something beyond itself. And so, we come upon the very significance of loss –that which is beyond "our" time, or epistemic grasp. In other words, this promise which can present itself only as a lack or absence, as the yet to be fulfilled condition of every present, brings forth the possibility of history: the possibility of a beyond to the present/same. For the inscription within the symbolic order of history rests on the possibility of recognizing a lack, the before and beyond, as a radical alterity that splits open any self-enclosed present. Through recognizing a difference that cannot be contained in the norms and conventions of the present order, the present is able to move from a narcissistic attachment to the same into the possibilities of the symbolic. Pace Marx, the present is responsible for making its own history, but it does not make it as it pleases (narcissistically); it does not make it within a totality which remains immanent to itself, but under circumstances directly encountered, given and transmitted from before and

² In Seminar Seven *The Ethics of Psychoanalysis (1959-1960)*, Lacan makes references (through Sophocles' *Antigone*) to how "human" significance is based on an immemorial obligation that is due to the dead. Antigone's brother (Polyneices) is "something unique": the value of his being is purely and simply based on his particularity and uniqueness, "without references to any content"(Lacan 1992:279). Whatever Polyneices has done, whatever his crimes are against the mortal order (the state), they are irrelevant; for the "register of being of someone who was identified by a name has to be preserved by funeral rites"(279). It is precisely the fact that this was a linguistic being (that he had a name), that shelters Polyneices from the base materiality (undefined/ universal/consuming order) of the animal species(279). This struggle to preserve the obligation that is owed to the dead is eerily retold in our present by Jean Bethke Elshtan. She tells us that she is "haunted" by two relatively recent accounts of Antigone's imperative. The first is cited in Steiner's *Antigones*: "In his diary for 17 September 1941, the German novelist and publicist Martin Raschke recounts an episode in Nazi-occupied Riga. Caught trying to sprinkle earth on the publicly exposed body of her executed brother, a young girl, entirely unpolitical in her sentiments, is asked why. She answers: 'He was my brother. For me that is sufficient.' In December 1943, the Germans descended on the village of Kalavrita in the Peloponnesus. They rounded up all the males and did them to death. Against explicit orders, in peril of their lives, the women of the village broke out of the school in which they had been imprisoned and went en masse to lament and bury the dead. (...) [T]here is a second haunting... [t]his is a story of the Mothers of the Plaza de Mayo. (...) One of the Mothers, [offered this reply after reading Elshtain's essay on Antigone]: "We are your daughters of Antigone. I did not get to bury my children, as Antigone buried her brother. (...) Thrown into the sea, tossed like garbage into mass graves, where are my children? I cannot bring flowers, nor pray, nor visit their final resting places. Like Mothers, the Disappeared are everywhere, wherever a single person is abducted, tortured, killed unjustly. Like Antigone, we will endure beyond our lifetimes"(Elshtain 1989:231,232-3).

beyond itself. Hence, the promise (which comes from before and is expected beyond), weighs on the present with the uneasy presence of a specter that disrupts our comfort of being at home in the present/same.³

To break the promise is to break with the anterior relation that allows for history/difference to burst through the present/same. A present without respect for the promise holds us in an unreflective self-enclosure, in a realm of pure arrogance that because it has no respect for the beyond itself, can declare itself to be the final realization/fulfillment of history. The last military dictatorship in Argentina, which claimed the realization of "a pure Argentine identity" as its mission, repeatedly reflected (legitimated) itself in a kind of sealed unit where everything was an extension of itself; where the fullness, wholeness and totality which it sought, was violently projected onto the external world, so that there would be no apparent differences or divisions.⁴

³ Marx's often quoted remark on the force of history states: "Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past. The tradition of all the dead generations weighs like a nightmare on the brain of the living"(Marx 1979:V.11:103).

⁴ In late March of 1976, a military junta --composed of the commanders in chief of the three armed forces-- deposed Isabel Peron and brought upon an era which they extolled as the *Proceso de reorganizacion nacional* (Process of National Reorganization). Jorge Rafael Videla, the defacto-president of the junta of the 1976 coup christened this era with these words: "The immediate past has been left behind and we embark on a future that will lead to the greatness of the Patria. The events that just happened [the coup] represent a definite closure to one historical cycle and the beginning of a new one"(cited in Taylor 1997:275n5). Although the guerrilla struggle was on the brink of being eliminated shortly before the coup, the false threat of an "immense armed struggle" by "communists" was used by the military to justify expanding what was called "the campaign against subversion". Indeed, this imagined "war" was seen by the military as the beginning of "World War Three". "The political objectives of the Armed Forces in this third world war," General Luciano Benjamin Mendez claimed, "is to annihilate Marxism in our country and to close off its future resurgence"(Graziano 1992:30). The term "dirty war" gives the impression that there was actually a war between two aggressors taking place. I want to avoid giving this impression and instead utilize the term to denote that period (between 1976-1983), when the Argentine military declared total war on what they termed "subversive". In explicitly ontological terms, a "subversive", was described by Videla as, "...a minority [who] we do not consider Argentine, ...those whose ideas are contrary to our Western, Christian civilization". Cited in Marguerite Feitlowitz, "Night and Fog in Argentina," *Salmagundi*, Vol. 94-95, Spring-Summer (1992):41. Claims of the military's ontological crusade to establish "Christian morals, national tradition, and dignity of the Argentine being" can also be found in: Andres Avellaneda, *Censura, autoritarismo y cultura: Argentina 1960-1983*, 2 Vols., Buenos Aires: Biblioteca Politica Argentina/CEDAL, 1986. The "war against subversion" established a nationwide system of 340 clandestine detention centers, where victims were brought after being "disappeared", to be tortured and usually murdered. Frank Graziano tells us that "the detention centers were ostensibly established, in part, to institute torture as a means of interrogation, but...this purported intelligence function of torture is untenable(...). It was not the information itself but rather manipulation of the concept of usefulness that made "dirty war" torture efficacious. The torturers...like the medieval inquisitors, altered the very fabric of reality by scripting roles and making those summoned before them play these pre-assigned and

Because their world was based on the incorporation of sameness, where there could be no humbling to anything before or beyond their eternal-present order, the anterior relation was severed. Hence, the dictatorship's repressive device of disappearance can be seen as an attempt to slit the living link that constitutes human continuity and makes the conceptualization of history possible. For in disappearing all differences, the dictatorship attempted to cement its own order of being as the only conceivable present, and thus as the only end for all imaginable pasts and futures. In this realm there is no need to promise anything to anyone that is before or beyond the eternal-present order.

With the return of democracy, Argentines exhumed the remains of a ruse that had endowed the former dictatorship with the power to ossify history. As the unpredictable wanderings of the disappeared washed up on the shores of the River Plate, or became uncovered in "the most innocent and familiar gardens", it was obvious that the dictatorship's previous assault on society had insured them with a means of horrifying (perhaps paralyzing) the present. *"I could barely face these images [the exhumations], barely stand to look at them, and yet, frozen and dumb, I could not stop looking at them either. If what they wanted was to give us an answer that would paralyze us with its horror, they merely succeeded in provoking in us a deep depression and a limitless anxiety"*(Mellibovsky 1997:162). To see and hear about the sea and soil returning human remains without names, heads, or hands seemed to be another "dirty

largely pre-written parts"(Graziano 1992:38). All those who were "discovered" as having "subversive characteristics" (and this would prove to be an ever expanding ontological definition), were contaminated and thus had to be ritually "cured" through torture, or, if that failed, abjected from the national body "without a trace". "The junta vowed to operate and clean the public sphere, exterminating the germs that threatened the well-being of the fragile organism. The offending body was literally under the knife or *picana electrica* [an electric cattle prod which the military used for torture]. Those who were not deemed recoverable died. The well-being of the nation/patient often called for drastic measures"(Taylor 1997:97). The National Commission of Disappeared Persons (CONADEP), which attempted to document the era of violence, established the "preliminary figure" of 8960 cases of disappearances. Although, as Alison Brysk (1994) points out, the CONADEP's figure "has been widely adopted by researchers, foreign observers, and domestic political forces in Argentina," it ignores the CONADEP's inherent limitations. (In the last part of the first chapter, I will discuss the implications of the limits of the CONADEP.) Non-governmental organizations place the figure of disappearances at 30,000. Throughout the thesis, the term "dirty war" appears in quotation marks, in order to interrupt any simple reading of this event as a "war between two aggressors".

trick", a type of "time bomb" meant to shatter any attempt at establishing a minimum of consistency (law) on earth. The violation of the immemorial promise to care for the dead, to honour death as a significant experience in a personal human sense, accomplished a brutal peeling off of that symbolic material which screens us against our fundamental sameness and nothingness.

I have been implying that history/the symbolic acquires significance only because we become aware of a before or beyond (an immemorial ethical point which I refer to as the promise to honour the singularity of the dead), through the play of differences which leave traces (deposits of the promise) in that which is present. But a negation of the promise (through such an act as a "disappearance"), is a negation so profound that all those symbolic layerings which shelter us in the recognition of history (difference) are shattered. Hence, the breaching of the promise swallows the present into a base materiality (think of Lacan's Real) that smothers all subjectivity and meaning offered by the symbolic environment. In front of this mass of nothingness we are put *not* on the side of the play of signification (the lack that ruptures the narcissistic-imaginary), but in front of the empty "senselessness" that sucks up and cements over the chain of signification.

Repairing the Symbolic: The Conceptual Issues At A Glance

Obviously no social order can withstand the total collapse of the symbolic and its complete absorption into a mass lump of nothingness. In what ways then, do certain social discourses/knowledges become privileged and organized, in order to manage/re-signify the traumatic event (uncertainty/anxiety) that is unleashed by the breaking of the barrier of meaning? Post-dictatorship Argentina encountered in the trauma of disappearances a void, a hole, in the field of knowing and being (identity) that sent it scurrying to "understand" and "come to terms with it". But what could "re-signifying", or "coming to terms with the past" possibly mean, when the event itself interrupts any

coherent understanding (signification)? In "knowing it", what do we bear and what do we escape from? In other words, what is lost when the event is represented as "knowledge", when it is re-settled or grounded into the continuity of our present terms? Before proceeding to sketch what these questions imply for the organization of the thesis, allow me to make a few notes on the main representational strategy which was adopted for coming to terms with the past.

The post-dictatorship period of Argentina, which primarily assuaged the symbolic ruptures through legal-representation, is often invoked (despite all its limitations) as an exemplary instance of how a nation may attempt to "come to terms" with its violent past. As Pricilla Hayner notes, "due to the efforts of the truth commissions, together with the trials of military officers, Argentina is often looked to as an example for other countries searching for truth and justice in difficult transitions"(Hayner 1994:614-15). More recent scholarship (Nino 1996, Osiel 1997), which explicitly details the legal strategy for coming to terms with the past in Argentina, tends to emphasize the "conciliatory" pedagogical role which this commemorative form stages for the nation. Drawing largely from the example of Argentina, Mark Osiel proposes that "the judicial task" in a post-trauma society should, "employ the law of evidence, procedure, and professional responsibility to recast the courtroom drama in terms of the 'theater of ideas', where large questions of collective memory and even national identity are engaged. By helping to put these questions in issue, courts contribute to social solidarity(...). Principles of liberal morality can be most effectively inculcated in a society traumatized by recent fratricide if the proceedings are conducted in this fashion"(Osiel 1997:3). This proposal seeks to settle the uncertainty and anxiety of the post-trauma period, by retelling and making sense of the violent past through the rule of law. It retells the event then, in order to provide a lesson which repairs and continues the "social solidarity" that is supposedly implicit in the liberal vocabulary of the law. Privileging a lesson which is supposed to bring about "social solidarity"

through the protocols of the law, means granting a determining role to what brings about reconciliation and to what continues the social significance of the nation's institutions. With this in mind, I restate the above questions: What do we bear and what do we escape from, if the event is retold in order to stage the continuity of the nation's institutions, its (liberal) tradition and its ways of saying? What happens in this proposal to those aspects of the event which contradict, or disquietly question the desire for "social solidarity"/reconciliation? What crisis of "meaning" (what symbolic crisis), is this retelling through the protocols of the law attempting to manage/re-signify?

Because the ontological violence of the "dirty war" undermines the tropes, whereby an imagined community (the Argentine) is convoked to identify with the nation and its institutions, a "crisis" in the "national imaginary" takes hold. I want to suggest (and I develop this claim in Chapter One), that as the "national imaginary" becomes vulnerable to losing its coherent reflection, it turns away from what contradicts or questions its self-vindication and integrity, and moves towards what pledges to reconcile or sanction its continuity. Rather than treat the law as a benign means which allows a post-trauma society to "disclose the truth" and to bring about "justice", I am concerned with how the law is employed as a mechanism for bounding knowledge that metonymically tries to repair the (imaginary) material of the nation. Hence, part of my discussion will read the legal means for "coming to terms with the past", as an attempt at mending the tears in that fabric which the nation utilizes in order to cover its claims to legitimacy. Thus, in Chapter Two I explore how in its desire to limit its own loss of legitimacy, the nation tries to transcribe the traumatic event into a contained and exemplary legal narrative that privileges national reconciliation over all other concerns. "Knowing", or "remembering" the event through the law can then be a strategy of forgetting and concealing, as the present retells the trauma into that which will justify and serve its purposes. This strategy, I will suggest, works on forgetting or sublimating what is *other* to reconciliation.

Thus in contrast to those claims which invoke the legal means for "coming to terms with the past", the thesis will point to the *ethical limits* of utilizing the law as a means of telling and cultivating "a national narrative that can effectively foster discursive solidarity and liberal memory [after an episode of state sanctioned violence]"(Osiel 1997:283). My concern here, is that representing the violent event through the vocabulary of the rule of law (or within the frames of "liberal morality"), relies on a way of understanding without loss, without leaving one's epistemic ground. That is, it proposes a way of representing which does not confront how this event challenges, or exceeds the coherence of our moral or legal standards. For, something as imponderable as mass "disappearances" cannot be simply reconciled by the legal term of "murder". "*Our children are not dead. They are 'disappeared.'*" Surely, we cannot dismiss this sentiment as "mad", or smother it in litigation without committing a *wrong*. Concerning ourselves with that which interrupts the legibility of "our" common discourse --the voice, silences, absences, stuttering and bursts of rage-- is to confront that which remains on the way to reconciliation.

Paying attention to what remains on the way to reconciliation, to what has been excluded, or repressed by the legal-narrative of the event, points to an ethical reading practice which is able to read the limits of representation --where something which should be put into phrases, cannot yet be phrased in the accepted vocabulary. This reading practice obliges us to think of how our established ways of thinking and narrating may wrong those who cannot say what they must say, through what is presently legible, knowable, translatable --through what is the law. Working with Lyotard's notion of the *differend*, I hope to demonstrate (in the Second Chapter) how a reading of the limits can stage a setting for those ways of speaking (or not speaking), which have not been given their say in court. Reading the *differend* is not a means to correct, nor to improve the law's power for representation or retribution, but rather it introduces a notion of "justice" which always exceeds and exposes the lack in the law.

"Justice" thus works as a residual force, (as a reading) which can interrupt and open-up the inevitable self-enclosure of the law. The task of "justice" here, is neither representation, nor recovery (knowledge), but rather to continually remind us of the impossibility of the same; that is, to remind ourselves of that which obliges us before and beyond our present faculty of understanding.

This reading of the limits poses particular issues for the transmission/writing of history. In Chapter Three I ask, what does this reading imply for writing? If the concern is to read in order to write the limits of writing the event, what is being transmitted? What would it mean to write in order to expose our lack of understanding? If we are to heed that which has no possible presentation, that which is un-presentable within our terms, what type of writing would oblige us to take up such a task? In order to engage and so feel obligated to that which is presently un-presentable, do we not need to begin our response/engagement in our immediate understanding? For does not our obligation begin from the *shared* contingency of our present terms? Thus, do we not need to make (via writing) the un-presentable/unknown, known and intelligible within our shared vocabulary and our present way of life? But if we succeed in writing the un-presentable through our present terms, through what we understand, do we not devour its difference? How can the strangeness of the un-presentable be translated into our terms, so that it engages us to respond to its difference?

Calling up Gadamer (1975), Derrida (1991), Lingis (1994) and Levinas (1969), Chapter Three will attempt to work through this historiographical mire, by tracing how the annotation --as a model of writing which stresses/explores the issues of linking and transmitting texts-- exposes the difficulty of historicizing trauma, of interpreting and transmitting it through the intertextual web of allusions and concepts that make up an historical tradition. The discussion will explore not only the limits of what it means to absorb and transmit (hermeneutically) "the event" into the known, but will encounter the possibilities of linking and transmitting (writing) negatively. Through Lyotard's

notion of negative witnessing (1990), I hope to re-write the model of the annotation. This re-writing will attempt to gesture us beyond the claim that our memories and writing of the event depend on the process of maintaining, transmitting and extending our (shared) historically constituted norms and conventions. The suggestion here then, is that an other way of remembering is possible, that we might remember not by our will to better understand ourselves and the other, but by encountering an exterior point which has nothing in common with us, that gives us no reason, that defers us to an other possibility, and yet obligates us to take care of its remains. Thus, this writing writes from a wholly other imperative.

I turn now to Chapter One, where I begin to explore how the national post-trauma "we" encounters what has been abjected for the sake of its name and identity. As Argentina (literally) comes upon the remains of its "disappeared", it encounters an unmendable tear in the national imaginary. With the reassertion of the abject, the nation's imaginary claims to grandeur and unity become vulnerable to disintegration (loss). Working with Kristeva's notion of the abject, I ask if this uncanny encounter forces the nation to confront and reckon with (mourn) the limits (loss) of its ego-ideal? That is, does an encounter with what has been violently expelled for some ontological claim lead to a re-examination of the complex process of identification? Can it be that in the very encounter with its abject the "we" is able to ask --how are "we" responsible for the remains of the other? The chapter also takes up Alexander and Margarete Mitscherlich's work on mourning in post-war Germany. I reference their work, in order to complicate the suggestion that the anxiety which is unleashed with the return of the repressed, can be mastered by an introspective knowledge. In contrast to their therapeutic model, I will suggest that knowledge (which is produced by the ego) can be bound by retrospective "artifices" which justify and protect the ego's imaginary identification/investments. By the last part of the chapter, I begin to take up specific examples in post-dictatorship Argentina (this will continue into Chapter Two) which

reveal how the national imaginary is served by a representational-legal frame that attempts to reconcile, or sanction its continuity.

Chapter One

The Return of the Subject: Opening and Assuaging the "We"

The nation binds affectively. It does so not (merely) through a facile dispensation of its force, but rather by attempting to answer the subject's desire for identification. Yet, for nations which stand on the crypt of past ontological violence(s), the answer (which always shelters an identity) dissipates before the apparition of the question: how are "we" responsible for the remains of the other?¹ Hence, a crucial moment in a post-trauma society occurs when a (revenant) question surfaces in the "we". Margarete Mitscherlich-Nielsen uncovers the heavy consequence of the question when she asks, "what does a [nation], a whole society, do when confronted with crimes of such a magnitude and the incalculable scope of its own part in them, crimes that are irreversible, for which there can never be 'appropriate' reparation?" (Mitscherlich-Nielsen 1989:412). The question is impossible. The question does not make an answer ever-finally-possible, rather it signals that behind the nation's stage curtains a specter awaits to enter. The impossible question --which rather than seeking an answer ends up unhinging the very binding of the nation-- will inevitably haunt and challenge the group's imaginary basis for sustaining its fantasies of identification across time and space. It is the group's narcissistic desire for self vindication and integrity that is rendered vulnerable by the apparition of this question.

¹ This self-reflexive question reformulates the obsession with Being to a concern for the other. As Levinas informs us, this is ultimately a concern for how Being displaces and threatens the other. For he asks us to consider: "My being-in-the-world or my 'place in the sun', my being at home, have these not also been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third world; are they not acts of repulsing, excluding, exiling, stripping, killing? (...) This is the question of the meaning of being: not the ontology of the understanding of that extraordinary verb, but the ethics of its justice. The question *par excellence* or the question of philosophy. Not 'Why being rather than nothing?' but how being justifies itself" (Levinas, 1989:82,86).

The question, really, is about the possibility of mourning --about the possibility of a "society" ever being able to not only mourn the victims of its past violence, but also to mourn the loss of an imaginary (ontological) identification: its appeal to the imagined "we".² Freud defines mourning not only as "the reaction to the loss of a loved person", but also as a response to the loss "of some abstraction which has taken the place of one, such as one's country, liberty, an ideal and so on" (Freud 1917:252). In the case of national desires that have wielded violence against the other, the work of mourning necessarily involves confronting the horrible while simultaneously parting with ontological ideals and a narcissistic self-enclosure. But this is a painfully heavy process that carries with it a deep lowering of (the group's) self-esteem (Freud 1917). How can the "we" face and eventually learn to "come to terms" with its murderous history if it still finds the basis of its identification within the nation? How can a society mourn, Mitscherlich-Nielsen clarifies, "if it wishes to preserve a nationally viable continuity"? (Mitscherlich-Nielsen 1989:411).

My discussion of these issues will initially begin with quite an abstract discussion of how the return of the abject --of what has been discarded in the name of some ontological claim-- disrupts the imaginary plenitude of a self-enclosed identity. I want to trace how this encounter with "loss" might allow for a move away from a narcissistic identification. Yet, I also want to focus on how this opening towards a beyond to the self-Same is a threatening moment that calls up a series of artifices for assuaging the worrying erosion of identity. Through these concerns I hope to prepare the way for a "reading" of the specific problematics involved in the politics of representation in post-dictatorship Argentina.

² Nancy Caro Hollander cites the Chilean psychoanalyst Elizabeth Lira Kornfeld who discerningly reflects on the impact of this "loss": "The loss [is that] of a notion of national identity, centered around shared values and beliefs, which the coexistence with cruelty has affected and modified ... The past seems lost; the dead, the detained, the disappeared, the mutilated and tortured bodies, the broken hopes, the loss of the future, the disenchantment with politics, the exiles and the lost connections... the list of the losses becomes interminable"(cited in Hollander 1992:282).

Matters of Horror:

In "post-dirty war" Argentina, bodies "were found floating in the Rio de la Plata, or buried in mass graves, often with hands and heads cut off to prevent identification" (Speck 1987:498). "*Look, here are his legs, severed, cut and torn but they are his legs or perhaps the legs of another. Don't be afraid*" (Agosin 1992). The image taunts us --we are afraid! The return of the "bits and pieces", the return of the stubborn trace, the cinders of the disappeared ignites a real fear of the uncontrollable. The absence of an adequate death ritual, the symbolic's utter failure in protecting and responding appropriately and singularly to death, incites a fear beyond words. Death can never be encompassed by the word *disappeared*; likewise, "the disappeared" can never be encompassed by the word *death*. Because the remains (literally) move, because they cannot embody/contain themselves (in a name or body), they are dangerous (in excess) to the symbolic order. An uncanny encounter between life and death keeps washing away the shoreline where we stand. Their return from the sea calls into question the symbolic's grip on the fundamental boundaries that separate/protect/identify.

Elizabeth Bronfen's sociosymbolic analysis of mortuary rituals finds this liminal state --between neither life nor death-- to be an extreme "period of instability because, though the dead individual has been excluded from society, s/he has not yet completed her/his translation from the *visible* society of the living into the *invisible* society of the dead. The corpse [in this intermediary state] occupies a position of doubleness, in that it is neither in its social existence nor in its new, spiritual existence" (Bronfen 1992:103 original emphasis). Thus she points to the haunting that accompanies the horror of this state: "the body decomposes, the bereaved mourn and the spirit of the deceased hovers about the corpse" (Bronfen 1992:103). The haunting ceases when "the spirit is definitely established in the beyond and replaced with a commemorative monument" (Bronfen 1992:103). But how much more horrific is this

for a society that does not have the (whole) body to mourn? How impossible is it to cease the haunting for a nation that does not have a tombstone and a name for each of its ontological victims? Here we fear the dread which ghosts emblemize --that the dead (wronged) may never be able to die. Neither alive nor sufficiently (ever) dead it signals us to a non-space, a dangerous interzone that falls upon the pieces of the naked Real (cadaver). "[I]n that thing that no longer matches and therefore no longer signifies anything, I behold the breaking down of a world that has erased its borders: fainting away"(Kristeva 1982:4).³ To see the corpse, according to Kristeva, "without God and outside of science [without the shelter of the symbolic], is the utmost of abjection"(PH:4).

But allow me to trace the "power of this horror": the force of the return of what has been cast out. Bronfen notes that "the liminal, the polluted, the unstructured disorder [the abject] that will eventually be expelled [though to return again] ...is both destructive of existing patterns and also has potency"(Bronfen 1992:200). There is something about the abject, something about its ceaseless disturbance of "identity, system, order" that obliges the "we" to think its limit. "The abject does not cease challenging its master"(PH:2). True the abject is sickening, repulsive and ultimately horrific, but a space --through its encounter-- does open: a perturbing yet potentially availing disintegration of the familiar boundaries of identity is afforded/confronted by our *falling* through this opening. The "power of this horror" may force us to confront the unsealed (burial) grounds of the "we". Can it be that a significant encounter with the horror of the abject may (also) facilitate an internal struggle/confusion that requires a re-examination of the complex process of identification? For afterall, "abjection is... a kind of narcissistic crisis"(PH:14). Given the violence(s) that have been committed through a narcissistic desire for (national) identification, the issue here is critical. Can it

³ Kristeva, Julia. *Powers of Horror: An Essay on Abjection*. Leon S. Roudiez trans., (New York: Columbia University Press, 1982) Henceforth cited as (PH: followed by number page).

be that in the very encounter with its abject, the "we" (necessarily) confronts the question: how are "we" responsible for the remains of the other? How are "we" responsible for what "we" have cast out? In what follows I visit Kristeva's notion of the abject, and the inevitable consequences it implies for what claims to possess a coherent and complete identity.

The expulsion of "impure" internal-matter affords the ego its hold on a stable identity: "I expel *myself*, I spit *myself* out, I abject *myself* within the same motion through which "I" claim to establish *myself*" (PH:3 original emphasis). But although the self (individual or national) attempts to define and seal its ego against the "waste material" that has been abjected or expelled, the residue of the "waste" can never be fully obliterated. Ultimately the abject returns as one's own corpse, as one's own (constant) waste that blurs the borders between being and non-being: "It is something rejected from which one does not part..."(PH:4). What has been cast out as the "not me" returns to haunt the ego with "one of those violent, dark revolts of being...[where] a vortex of summons and repulsion places the one haunted by it literally beside himself"(PH:1). The ceaseless dissemination of the repressed that characterizes the abject "simultaneously beseeches and pulverizes" the ego's captivation within a sealed identity (unity). Eventually, the "clean and proper (in the sense of incorporated and incorporable) becomes filthy, the sought-after turns into the banished, fascination into shame"(PH:8). Hence, citing George Bataille, Kristeva links abjection to "the inability to assume with sufficient strength the imperative act of excluding"(PH:64). As exclusions fail to maintain the hard borders between "identity" and "waste", "outside" and "inside", the force of the abject pounds back through the ego's hold on a unified identity. Kristeva writes,

The abject shatters the wall of repression and its judgments. It takes the ego back to its source on the abominable limits from which, in order to be, the ego has broken away --it assigns it a source in the non-ego, drive, and

death. Abjection is a resurrection that has gone through death (of the ego). It is an alchemy that transforms death drive into a start of life, of new significance (PH:15).

The encounter with the abject induces not merely a state of uncertainty, but a state of disorganization, or reorganization (transformation) that demands a type of death for the ego. We have come full circle. While the ego's claim to identity is established by "casting out" its "impurities", the remains that return demonstrate that the exclusionary imperative of the ego does not possess the sufficient strength to dam up the abject. The double aspect of this uncanny encounter radically decenters human subjectivity. The abject --that which initially is cast out in order to define the border between "identity" and "waste matter"-- proves ultimately *not* to be under the control of the ego. The ego fails to turn the abject into an object (relation): "The abject is not an ob-ject facing me, which I name or imagine...[t]he abject has only one quality of the object --that of being opposed to I" (PH:1). Conversely, the double movement of the abject ends up *subjecting* the ego to "death" while (simultaneously) transforming the death drive into life --significance.

Kristeva tells us that, "the abject is the violence of mourning for an "object" that has always already been lost" (PH:15). Encounters with the abject --as a pure drive energy-- brings the ego face to face with its own loss of control and cohesion: with *the limits of its narcissistic identification*. Exposure to "non-ego, drive, death" muddles the narcissistic pool with "the refuse" (the loss) which the ego desires to exclude from its identity. For Kristeva then, the abject countervails narcissism. She writes, "abjection... is a precondition of narcissism. It is coexistent with it and causes it to be permanently brittle"(PH:13). Narcissistic identification is thus always on trial since its borders are constantly subjected to the haunting abject. Hence, there is no possible retreat into a sealed identity since it will have to confront (mourn) its own inherent loss: the mark of a "narcissistic crisis". Because this loss signals an ongoing process which obliterates

the ego's claim to master its own integration, it becomes the locus of its transformation. The ego is thus subjected to death --the uncontrollable (drive)-- and dies (generates) into the subject of scission. Hence, exposure to the abject --to what is non-ego, drive, death (loss)-- unleashes the perpetual destructuring or restructuring of subjectivity: it unleashes a subject of scission, a subject in process, whose post in the symbolic (the place of significance) is always subjected to pressures from the drives, to what is repressed and horrifying (the abject).

This reading --albeit a truncated one-- of Kristeva's notion of the abject seems to afford a way of breaking out of a self-enclosed narcissistic identification. What are the implications of this? Allow me to quickly reconsider the movement of the abject with some brief notes on how it informs a reading of Argentine national identity.

Nation and Abjection:

As I have suggested above, the desire for a self-enclosed identity attempts to limit or cast out what is construed as the "not-me", as the non-identical other. Along these lines we may read the sociosymbolic order of the Argentine nation to be explicitly constructed on the repression and dejection (abjection) of what is considered other to its illusion of a self-same identity. According to Torre and Zaffaroni, "even if we bracket its apogee under regimes of military dictatorships, ...[i]ntolerance, elitism, denial of ideological plurality, visceral rejection of change and of anything 'different' ...has a long tradition of prevalence in Argentina"(Torre & Zaffaroni 1989:14). Throughout its history Argentina has engaged maniacal political rituals and tropes to ward off the perceived pollution and decay of its national body by "waste material". The Kristevan abject has an uncanny resonance here; for a concern with defilement by "waste matter" and hence "purgation" became historically literalized in Argentina. In the early part of this century, during a tense period of labour-unrest, police records were issued describing immigrants as the, "debris rejected by other countries, who take

refuge in our bosom but constitute an exotic factor, not assimilable to our sociability"(Graziano 1992:19). The defilement within the very "bosom" of the national body, by foreign bodies, would continue to be invoked through-out the twentieth-century, with its most manic force (and of course consequences) unraveling during the military's "dirty war". Diana Taylor cites a pro-military political advertisement which was circulated days before the March 1976 coup that ushered the period of systemic "disappearances". In an "emphatic tone" that addresses the imagined community through its guardians, a line from the ad reads: "Yes, your fight isn't easy, but knowing that you've got *truth on your side* makes it easier. Your war is *clean* "(Taylor 1997:64 my emphasis).⁴ Indeed a ceremonial purgation of the most horrific kind would be staged in order to "cleanse" Argentina of what one of the architects of the terror described as, "a minority [who] we do not consider Argentine ...those whose ideas are contrary to [and hence defile] our Western, Christian civilization" (cited in Feitlowitz 1992:41).

The Kristevan abject does not totalize that what has been expelled; for the abject is neither ever fully contained nor ever fully cast out: it always returns. In this sense the abject is a spring of disruption that erupts over and through any illusions of a self-enclosed identity. The literal return of the "disappeared", as undistinguished-cadavers, made it impossible for the nation to imagine itself as sharing in a common ideal narrative or destiny. National identity was revealed to be historically tarnished by rituals

⁴ It is worth noting some highlights of Taylor's comments and translation of this ad. She tells us that the ad depicting a "lone soldier circulated in the major centrist newspaper, *La nacion*, three days before the coup. It was a pro-military political advertisement featuring a young, innocent-looking soldier preparing for a just, 'clean' war. In a style typical of poster art, the soldier sets out into the dark unknown terrain in order to vanquish evil. The medium, a drawing as opposed to a photograph, presented warfare as no more than a possibility. The viewer was asked to imagine the good fight, to visualize the good soldier. This was not reality (yet), the drawing implied, but an invitation to consider war. (...) The emphatic tone and layout of the text counter the soldier's questioning look. 'YOU'RE NOT ALONE... your nation stands behind you,' the caption cries at him. The type attempts to convey the overwhelming, clamoring public support; bold, crowded letters leave no room for contradiction. The speech act aims to create the consensus it desires. The Spanish word *pueblo* collapses both the nation and the 'masses' that inhabit it, signaling the military's fantasy of a whole, harmonious country united by war, 'his' war" (Taylor 1997:63-64).

of violence that literally "dismembered" its social body. As well, the Argentine illusion of being superior, or "more Western" than the rest of Latin America could no longer hold currency amidst the barbaric ruins of "torture centers", "concentration camps", "mass graves" and the "horror of testimonies" that were uncovered in the "post-dirty war" period. With the return of the repressed on its shoreline, Argentina did not just see the cadavers of its "disappeared", but also gawked at its national cadaver. As with all bodily wastes, the sight of corporeal (national) dissolution rendered the borders of identity worryingly uncertain, indistinct, and subject to the force of the other.

Subjected to death, means being subjected to a loss that is beyond the mastery of the ego: it is a reminder that the ego can neither master, nor fulfill its narcissistic ideal. There is a suggestion here, that this space of loss is a disturbing yet potentially transformative moment for significance, where the self-Same boundaries of identity become subjected to what is beyond the control/will of the ego --difference. As the Argentine cultural critic Fernando Reati acknowledges: "Violence fractures personal and collective identity and forces an ontological transformation where old assumptions [about a self-Same identity] are shattered" (Reati 1989:33). The ideal for a common national "we" gives way to the realization that the imagined nation is inevitably imperfect, violently fragmented, and riddled with difference. Facing the "uncanny strangeness" of the abject is a confrontation with the inherent loss at the core of national identity. Hence, the imaginary plenitude of a narcissistic ego has to face that its ideals for fusion and mastery are always already lost. In this sense, it forces the "we" to confront the content of its appeal to an imaginary community. Is it in this apparently self-reflexive moment that the "we" can ask: how are "we" responsible for the remains of the other? How are "we" responsible for what "we" have cast out?

In a later work Kristeva notes that the shock of this "uncanny strangeness, ... is a *destruction of the self* that may either remain as a psychotic *symptom* or fit in as an *opening* toward the new, as an attempt to tally with the incongruous" (Kristeva

1991:188 original emphasis). The ceaseless movement of the abject does not guarantee self-reflexivity in the "we". For the encounter with the abject is a moment of horror, loss, and pain that takes us to the threshold between renewal and regression. It might be that such an encounter facilitates a re-examination of the complex process of identification. (And what this self-reflexive moment might be, or how it might take shape is something that I will visit later in the thesis.) Yet, the return of the abject which beacons an "opening towards the new", towards an unnamable which cannot presently be, threatens a structure intent on denying its loss to an other possibility. Thus, it might equally signal, and this is the concern which I turn to now, a project that attempts to ward off the horror, loss, pain in order to secure and protect its identity (symptom).

Assuaging Identity:

Facing loss is a "deep and painful process" that may unleash a "deep lowering of self-esteem". The psychoanalyst Vamik Volkan notes that, "it is more difficult to mourn loss and humiliation wrought by a human agency than to mourn a natural disaster since the former brings about a loss of self-esteem and group identity"(Volkan 1996:272). Given that group identity depends upon an ideal (sacred) narrative that avoids examining its claims to grandeur and unity, the encounter with events that signal the loss of self-integrity are bound to be painfully felt by those that identify with the group image. The reassertion of the abject, of what was rejected in the name of an imaginary unity (identity), reveals an unmendable tear in the group's narrative of itself: an exposure of the vulnerable seam of self-constitution. To the extent that the group's imaginary homogeneity/integrity (ego) becomes vulnerable to disintegration (loss), a state of anxiety takes hold. Anxiety, of course, is more frightening than fear; for whereas "fear requires a definite object of which to be afraid"(Freud 1920:282), the state of "anxiety has a quality of indefiniteness and lack of object"(Freud 1963:105). The very indeterminacy of this "object-less" state --which accentuates the gap, and

threatens a dizzying assent into the real— proves to be an intolerably baffling and painful moment for the group.

Speaking about post-holocaust Germany, Alexander and Margarete Mitscherlich make an apparently similar claim: "giving up the quasi-primary process of a commonly shared ego-ideal [an imaginary unity of identity] involved considerable anxiety for a great part of the population. Bewilderment and disorientation reigned"(Mitscherlich 1975:23).⁵ Their thesis proposes, albeit in a hypostatized manner, that because a propensity towards anxiety accompanies the process of giving up the national "ego-ideal", a self-protective mechanism is put in place. According to the Mitscherlichs, the initial defense mechanisms in post-war Germany were understandable since, "Germans... had received a blow to the very core of their self-esteem, and the most urgent task for their psychic apparatus was to ward off the experience of a melancholy impoverishment of the self. (...) Hence it is pointless to make of these immediate post-collapse reactions a subject for reproach"(IM:24). However, their concern is with the way in which these initial "emergency reactions" were kept in place ("even later on, when the immediate psychological emergency had passed"), as an embankment to guard national identity against the work of mourning. For most Germans "managed to avoid self-devaluation by breaking all affective bridges to the immediate past. This withdrawal of affective cathecting energy, of interest, should not be regarded as a decision, as a conscious, deliberate act; it was an unconscious process, with only minimal guidance from the conscious ego"(IM:26).

In a later paper which summarizes and reflects on the above work, Margarete Mitscherlich-Nielsen tells us that the ability to mourn implies that one, "is able to part with *open eyes* not only from lost human objects but also from lost attitudes and thought patterns that governed [one's] life (...)." This is supplemented by the claim that

⁵ Mitscherlich, Alexander and Margarete, *The Inability to Mourn: Principles of Collective Behavior*, Robert Jay Lifton preface, Beverley R. Placzek trans., (New York: Grove Press, Inc.1975). Henceforth cited as (IM: followed by number page).

only through this *conscious effort* will one be able to "think new thoughts, perceive new things, and alter one's behavior patterns"(Mitscherlich 1989:408 my emphasis). Conversely, as post-holocaust Germany severs the affective links to its immediate past, it ends up enclosed within an "autistic state" that can neither unravel its unconscious motivations nor imagine an other possibility. To counter the dangers of this state the Mitscherlichs' work proposes a restorative ego function that can slowly and painfully come to terms with the past. "Instead of irrationally rejecting existing conditions," the Mitscherlichs hold to the hopes of "an ego interested in self-correction [which] will learn to reflect step by step on the circumstances under which it developed". Accordingly then, "change for the better" can only come about when the "we" ends up "living more by the critical lights of the ego" (IM:253). The gradual acclimation towards reason via the ego is an attempt to bring an object (knowledge) into the very indeterminacy of this "object-less" state. The aim here is to master anxiety through an introspective knowledge. As they declare at the outset of their work, "by 'mastering' we mean a sequence of steps in self-knowledge. (...) That is why repetition of inner conflicts and critical analysis are needed to overcome the instinctive and unconscious self-protective forces of forgetting, denying, projecting, and other similar defense mechanisms"(IM:14,15). Through the work of the "critical-ego", which reveals a referent that grounds the process for coming to terms with the past, the elusive state of anxiety and its defense mechanisms can be mastered: for "one can 'radically overcome' only on the basis of knowledge firmly anchored in consciousness..."(IM:66).

The logic of this therapeutic model is stitched by a faith in the ego's ability to distinguish itself from the imaginary identifications which constitute it. This faith in the ego's autonomous strength must overlook how (as discussed above through Kristeva's abject), the ego is radically decentered and always already subject to loss. As well, the retrenchment of the ego as a "rational" structure that can uncover a "knowledge" apart from its imaginary identification does not consider how its very claims, how its

production of knowledge, may function as *an adaptive protective-maintenance for its imaginary investments*. Whereas the Mitscherlich's scheme proposes knowledge (the critical-ego function) as a neutral means for the "we" to overcome its narcissistic self-enclosure, recent work on historical trauma often points out how knowledge/remembering "may be a highly charged tool to legitimate new forms of reification"(Antze & Lambek 1996:xxv). Vamik Volkan speaks of historically traumatic events that become "chosen trauma", in so far as they are reworked/remembered by the group to re-legitimate and re-establish its identity. He writes, "the event in question becomes psychologized, and the way the people share mental representations of it marks their [national] identity. (...) The affect it evokes is congruent with issues of shared identity rather than with the historical truth"(Volkan 1996:270,272). Hence, knowledge/representation as a means for coming to terms with the past, as a means to symbolically settle anxiety, can be hypercatheted precisely to the extent that it conforms to the group's imaginary captivation.

This suggests that, for the national "we", introspective knowledge is inevitably governed by retrospective "artifices", or in other words, "screen memories" which work to overcome those anxieties that threaten the fantasies of group identification. In this sense, knowledge is bound in terms of what simultaneously stabilizes the anxiety and ontological basis of the "we". "Knowledge firmly anchored in consciousness" is thus subject to the imaginary frame of group identity: the power of knowledge hence lies in the confirmation/reflection of the group's identification. Far from "overcoming the self-protective forces of forgetting", the production of knowledge can work to cover over those contradictions that painfully expose the seams of the "we": the loss of an imaginary (ontological) identification. Thus, the use of knowledge as a means for coming to terms with the past --which implicitly or explicitly extols the restorative function of the ego-- cannot be a means for the "we" to encounter the question: how are "we" responsible for the remains of the other. The ego's captivation within the

imaginary does not afford such self-reflexivity, rather its encounter with the abject, with what was rejected in the name of its identity, sends it scurrying before the mirror to represent what it needs to see: that which will confirm its integrity and assuage the anxiety of fragmentation (loss).

The above explanatory and prepositional concerns have prepared the way for what the remainder of this chapter and the next will unravel within the specific problematics that have emerged in post-dictatorship Argentina. Namely, as the nation's narcissistic desire for self-vindication and integrity becomes vulnerable by the apparition of the horror of the abject, it turns to knowledge and away from the other: it turns away from what questions its ontological self-enclosure. Marcelo Suarez-Orozco points out that in post-dictatorship Argentina:

What had been previously denied and forbidden returned in the form of an almost exaggerated need to read and talk about the atrocities committed. In post-"dirty war" Argentine folk speech this became known as 'the horror show' period. This epoch peaked in 1984-85, soon after the return to democratic rule. During this time, torture victims and torturers made almost daily appearances in the media, national magazines that had been previously conspicuously silent about the epidemic torture and disappearances now devoted entire issues to the unspeakable, the gory remains of exhumed corpses regularly appeared in midday TV news reports... (Suarez-Orozco 1990:370).

This cathartic yet ambivalent moment produced a series of highly charged and conflictual discourses that exceeded the tightly drawn boundaries of "understanding", or of cognitively coming to terms with the past. Rather than constative representations of the event, the "horror show" mobilized a series of affective responses that exposed the contradictions and differences underlying national identity. Indeed, a "crisis of

identity" gripped and questioned post-dictatorship Argentina with the limits of its Being. As the Argentine literary critic Beatriz Sarlo wrote, "at the present time ...the Argentine question is focused not only on how we were constituted but on why we broke apart"(Sarlo 1992:240). My argument, which will unfold through the example(s) of legal-representation, will be that the desire to preserve an ontological continuity --or in other words, "a nationally viable continuity"-- assuaged the anxiety of this moment with an "objective", and technically "neutral" means for understanding the past. This is an understanding that "instead of giving impetus to a new consciousness of human rights, ...led instead to a general desire to forget"(Agger & Jensen 1996:203). But the issue is not simply with remembering or forgetting, but rather with *how* the nation remembers to forget, with how, that is, the representations of a remembered past serve an imaginary coherence that remains closed to the other. My focus will be with the legal means for coming to terms with the past, since the law, in Argentina, came to play the central role in screening the encounter with the abject. Adapting Marry Douglas to my purposes here, I read the law as an institution of the nation which:

starts to control the memory of its members; it causes them to forget experiences incompatible with its righteous image, and it brings to their minds [remembers] events which sustain the view of nature that is complementary to itself. It ...sets the terms for self-knowledge, and fixes identities. All of this is not enough. It must secure the social edifice by sacralizing the principles of justice (Douglas 1986:112).

In its righteous claims to uncover truth and justice the law seals its legitimacy. The artifice of this stabilizing institution hence becomes a sacred means by which to reconcile and mend the fragmented nation.

Mourners-in-Waiting:

"Coming to terms" with state-induced trauma has in our time increasingly involved the constitution of quasilegal investigatory commissions, often known as "truth commissions", which may lead (in rare cases) to the prosecution of those deemed responsible.⁶ These commissions are instituted in order to "know exactly what happened, to tell the truth, to face the facts" (Cohen 1995:12). Why is the representation of "truth", "facts" and "knowledge" seen as so important? For after all,

⁶ Priscilla B. Hayner documented and analyzed a total of fifteen truth commissions between the period of 1974-1994. She reports that "in addition to the internationally well known cases of Argentina and Chile, governmental commissions" formed to investigate past state sanctioned abuses have been established in El Salvador, Uruguay, the Philippines, Chad, Bolivia, Zimbabwe, Ethiopia, Germany, Uganda (where there have been two), and Rwanda. Two separate truth commissions were established by the African National Congress. Truth commissions, as a model for "coming to terms with the past", have also been seen as an "attractive entity" by Guatemala, Malawi, Mexico, South Korea and Honduras, where it is likely that they will be established or have already been put in place. Her comparative work does not directly address the subject of war crimes trials. For she claims that although they "shed light on the overall extent of abuses" their focus are "on acts of certain individuals and therefore do not attempt to investigate or report on the overall pattern of violations" as truth commissions do. See: Priscilla B. Hayner's "Fifteen Truth Commissions -1974-1994: A Comparative Study," *Human Rights Quarterly*, Vol. 16, 1994:597-655.

I of course, will limit my self to commenting on the case of Argentina, where after the restoration of democracy President Alfonsín and the human-rights community initiated the first steps for redressing the wrongs of the past through an "impartial" inquiry that sought to determine who the disappeared were and what, exactly, happened to them. The task for this investigation was assigned to a special commission --the National Commission on the Disappeared (hereafter referred to as the CONADEP)-- that produced an institutionalized version of the "dirty war". The book entitled *Nunca Mas*, included testimony from those who survived and listed (some) of the disappeared. Alison Brysk, reports that the commission also produced a television show (also called *Nunca Mas!*) that was seen by over a million people in Argentina. The broadcast was "a simple and haunting presentation of a handful of representative testimonies." However, "it was marred by displays of internal and external opposition to the work of the commission. With the approval of the president, the minister of interior, Antonio Troccoli, insisted on adding introductory remarks designed to temper the impact of the program by reminding the viewers of the onslaught of revolutionary violence that caused the repression." Brysk goes on to note that, Troccoli provided the first public demonstration of the government's "evenhanded" reading of the military's "dirty war" when he asserted that, "the *Nunca Mas!* program failed to show the other side --the excesses of subversion." She also notes that "during the broadcast, a bomb was thrown at the government television station and an undetermined number of troops around Buenos Aires engaged in unplanned maneuvers." Alison Brisk, *The Politics of Human Rights in Argentina: Protest, Change, and Democratization*, Stanford: Stanford University Press, 1995:71.

Although I do not intend to provide a comparative analysis with other truth commissions, I will note that the truth commission in Argentina was the first to receive broad international attention. Because of the work of the CONADEP, and the trial of the military officers, Argentina is often praised and held as an example for nations which attempt to establish truth and justice for past state crimes. As the director of Human Rights Watch wrote in 1989, Argentina was "the most successful effort of the decade anywhere in Latin America, and perhaps worldwide..."(cited in Hayner 1994:614-615). The belief of holding the Argentine case as an exemplary model will take on a different tone when we explore the limitations of the Argentine truth commission and the trial of the military.

as Lawrence Weschler notes, "...everyone already knows the truth --everyone knows who the torturers were and what they did, the torturers know that everyone knows, and everyone knows that they know"(Weschler 1990:4).

Moises Kijak and Maria Lucila Pelento, two Argentine psychoanalysts who have worked on the issue of social trauma and state sanctioned violence, presented a paper entitled "Situaciones de Catastrofe Social" ("Social Catastrophic Situations").⁷ In the paper they imply that the significance of our social-bonds and personal lives are something we find and confirm through the mourning of life lost (Andersen 1993:17). Their work acknowledges that because social significance depends on the ability to stretch backwards into a society's ancestors and forwards into future generations, all societies maintain their symbolic order through common points of griefwork: namely, through the possibility of accompanying and attending the remains, or at least having the facts about the date and circumstances of the death --through the possibility of locating and/or visiting the remains, and through the possibility of the mourner to express their grief in a social environment that can confirm and sustain it (Andersen 1993:17). They point out, that because the violation of the mourning process would create a symbolic gap in the social continuity, throwing us into psychic chaos, the social order is expected to master and structure any situations that would threaten this organizing ritual. Thus the amorphous anxiety which takes hold on a social and personal scale when the mourning process is blocked --such as in wartime, or aviation/maritime tragedies-- is usually rerouted through institutional mechanisms that offer official information/confirmation about the moment and circumstances of death.

⁷ The paper was presented to the World Congress on Psychoanalysis in August 1985. Cited in Martin Edwin Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"*, Oxford: Westview Press, 1993. For an essay which cites and expands on "Situaciones de catastrofe social," see: Julia Braun's and Maria Lucila Pelento's "Les vicissitudes de la pulsion de savoir dans certains deuils speciaux," In Janine Puget, *Violence d'etat et Psychanalyse*, Paris:Bordas, 1989:86-104. Also see: Oscar Abudara (et al.), *Argentina psicoanalisis repression politica*, Buenos Aires: Ediciones Kargieman, 1986.

And in those circumstances where it is impossible to retrieve the remains in order to conduct funeral services, there are commemorative occasions and monuments that allow for a certain expression of grief.

But in a society where "disappearances" were once part of the contraption of the state, the very material for the work of mourning is held captive; the very fibers of the social order become webs that spin and ensnare us in uncertainty. Because in this instance there is literally no body to confirm death—for there is no physical body nor any body of the state to verify the death—an intolerable vagueness encircles those who evoke names which are supposed to be, according to the Argentine dictatorship's description of a "disappeared": "absent forever", "neither here nor there, neither past nor present".⁸ Moises Kijak and Maria Lucila Pelento acknowledged that in post-trauma Argentina, mourners-in-waiting were still waiting.⁹ Without the remains and with the only information consigning the disappeared to a limbo outside of life and death ("absent forever"), these mourners-in-waiting (relatives and friends of the disappeared) found themselves, "submerged in a situation of panic, impotence, and abandonment.

⁸ Then-commander of the Argentine Army Roberto Viola provided this profoundly cruel and absurd definition of a "disappeared".

⁹ The composition of the "community of post-trauma Argentina" is made up of a complex and heterogeneous group that often (in the research data) implies two types: (1) those directly afflicted by the repressive policies: madres, abuelas, families, and the ex-detained-disappeared; and (2) those who were not directly affected: human rights groups, political organizations, religious groups, and the academic/arts community, some of whose most prominent leaders were at the same time public figures: politicians, intellectuals, artists, and church activists (Perelli 1992:426n28, Jelin 1994). While explicitly or implicitly acknowledging this order of distinction, many of the studies on the phenomenon of "disappearances" and its affects make it clear that the episode cannot be restricted just to the first or second order of the "post-trauma community", but that there needs to be a broader consideration (with the obvious distinction between and within the different groups) of how the whole of society was in one way or another affected/implicated. For as one researcher pointed out, "every Argentine was either directly or indirectly affected by their policy—at the very least, everyone came to know someone at work, or in the neighborhood, or social network who had a family member disappeared. No one could ever be certain that he or she would not be next to succumb to the arbitrary policy of illegal seizure. This situation established a sense of ongoing threat, creating a massively traumatic situation for Argentine citizens in general." (Hollander 1992:278) Although I can see the rhetorical force here, there is of course the danger of collapsing all differences into a "meta-excuse" that reconfigures the event as a time where most Argentines were held hostage (morally/literally), by "demonic" forces coming out of nowhere. This obviously reconciles the very real differences which cut across Argentina during and after the event; for the dictatorship (and its policies) had at various different times the support of a large number of Argentines.

The need for survivors to try to accept the possible death of a loved one while holding out hope that he/she will reappear alive operated violently... [and] successively, exposing the psychic apparatus to a high degree of disintegration"(Andersen 1993:17). Another psychoanalyst who has commented on mourners-in-waiting in Argentina, Nancy Caro Hollander, similarly defines the possibility of mourning as depending on the possibility of knowing the certainty of death, in order to disengage from a person who no longer exists: "(t)his kind of psychological separation, which allows gradual decathexis from the lost object and the resumption of life in the present, is impossible when a family member has been disappeared. That individual has simply vanished and no confirmation of his or her whereabouts is possible"(Hollander 1992:282).

The possibility of mourning as a ceremonial and significant passage where one may come to accept the separateness and otherness of the dead, is arrested in a state of fear and guilt. To mourn in these circumstances might be (symbolically) a kind of murder. But to go on with life with the image of a disappeared who is still alive but in prison brings about "...acute anxiety and can result in the wish to free the victim from such suffering through the fantasy of his or her death, a wish that produces intolerable guilt feelings"(Hollander 1992:283). In order to harness this objectless fear, the unknown and cryptic state of the disappeared must be reassembled in a topography that can confirm and sustain the "reality" of the fate of the loved and lost person; otherwise, there results (for both the present and the absent) a live burial in some uncertain realm.

A Liturgy of Facts:

I want to suggest that a "truth commission" gains its appeal (although not officially recognized in this way) largely on its claims to "master" in a linear, quantitative, and rationally organized way this imponderable conception of death. In other words, by producing claims on "reality" it attempts to provide a type of "factual liturgy" for mourning the other: that which can have no "proper" funerary rites, that

which does not have the political power to erect monuments or preserve spaces for its memories, that which remains outside of the symbolic.¹⁰ But because the "factual liturgy" can only reinstate "reality" --that which allows us to separate/disengage from the past-- via "knowledge", it inevitably comes to interpret and order the "facts", according to a regime of truth and rationality that functions to legitimate and reproduce the moral discourses through which we come to signify the world. For a "truth commission" does not only have to enunciate the "facts" via the internal discursive conditions for presenting and verifying evidence, but it must also *justify* the "facts" by references to moral claims that condone and make viable certain patterns of signifying the world.

The "truth commission's" moral oration over the other proposes that "by knowing what happened, a nation is able to debate honestly why and how dreadful crimes came to be committed"(cited in Jelin 1994:51). And that this knowledge can "help reduce the likelihood of future abuses simply by publishing an accurate record of the violence, with the hope that a more knowledgeable citizenry will recognize and resist any sign of return to repressive rule"(Hayner 1994:609). These claims imply that the appropriate outcome of this mourning process must serve an explicit pedagogic purpose for the present's sense of itself: a moment for self recovery, a national history lesson for developing a "moral sensibility" that can immunize the present against forgetting and repeating the wrongs of the past. The purpose it seems is to establish the "facts" of the abject in order to allow the present to disengage itself from it, to "come to terms with the past" in order to redeem and morally claim itself. But --rhetorically stated-- can this self-representation for the purposes of moral-reflection take care of the remains? Does settling the incomprehensibility of this form of death, and establishing

¹⁰ It is this close connection to a form of funerary rites that grants the "knowledge" which these commissions produce, with what has been described (rather paradoxically, since the knowledge produced is supposedly based on a "rational" foundation) as its "mysterious, powerful, almost magical notion."(Weschler 1990:4).

the "facts", allow for a passage of mourning that can accept the loss of an (imaginary) ontological identification?

Exhuming and absorbing "knowledge" from a period that defies simple "comprehension", does not only attempt to sustain a rite of passage (integration into the symbolic) for those who have been "directly affected" by the denials and evasions of a period of disappearances, but it also attempts to mend the tears in the social order's desire to fill and master that which is beyond its capacity to define/understand/reconcile. For a social order that is haunted by the presence of that which is neither alive nor sufficiently dead, and by mourners-in-waiting who are themselves incapable of functioning in the symbolic's ordering of time and space, has encrypted within itself that which escapes and defies its purview. Hence, implicated in the "factual liturgy" are the configurations of the present's concern to exhume (to know the past), in order to reconcile or expunge that which cannot be incorporated into the *body* of its *identity*.

In this therapeutic model a "wrong" to the other is committed. The "wrong" is committed by the inappropriate application of a "representative strategy" (descriptive) to a situation that demands a prescriptive response from the present.¹¹ The call of the other which demands the present to keep its promise (to care for the remains, to honour the singularity of the dead) above all else is subsumed within descriptive regimes which seek to establish the "facts" and "reality" of the past. Whereas the memorial grounds of the "truth commission" aims to heal the wound that the trauma opened in the symbolic order by recording the "facts" or sublating that which is beyond its concerns, the immemorial call of the other demands a response prior to any "facts" or purposes. Any

¹¹ Although in keeping with the philosophy of alterity (as developed by Levinas and Lyotard) I maintain that the other is "Unnamable", I would nevertheless like to suggest the scherzo of the term in use here: the other simultaneously moves from: 1) the addressor of the prescription which hands us, and demands us to heed the immemorial promise –the beyond and before the present that allows for "difference"; to 2) the remains that are left behind in any system of representation; the traumatic event itself which cannot be "fitted" into the present's symbolic order. In what follows, I unfold a rather broad account of Lyotard's ethical work (inspired and informed by Levinas) on the critical opening offered by the obligation that comes from the other (the prescriptive call), which appears in his essay "Levinas' Logic" In, *Lyotard Reader*. Ed. Andrew Benjamin, Oxford: Blackwell, 1989:275-313.

endeavour which tries to make this prescription subject to a process of verification before a "truth tribunal", transforms the obligation before us into a secondary (descriptive) discourse that must now deal with questions of "truth" (Lyotard 1989:283). The prescription, which comes and obligates before any "verification" that the addressee can have, is now drained of its commanding force: the "what ought to be" becomes condensed to the "what is". This abolishes the asymmetrical relationship between addressor (the other) and addressee in a prescription, consequently allowing the knowing subject to hold the privileged position (Lyotard 1989:287). In other words, the strategies of representation with which the present comes to order (know) itself, have swallowed the obligating force of the before and beyond itself.

What I am suggesting here is that the other has become an object of/for knowledge. This violates the ethical grounds upon which our relation to the other is possible. For any (ethical) relation to the other requires an "epistemic lack" on the part of the addressee. For the addressor (of a prescription) must be before and beyond the present empire of knowledge, in order to be otherwise than the present/same. To consider the other as an object of/for knowledge is to have reduced this asymmetrical relationship to a finite set of "traits" or "features" which the present can "calculate" and "utilize" for itself. The other (as knowledge) then becomes a means for satisfying the desire of the present: as a way of "coming to terms with the past"; as a scheme for developing a "moral sensibility"; as an exercise (we will notice below) for confirming the present's "identity".

The Search for Who "We" Really Are:

As the military's legitimacy disintegrated, and democracy began to establish itself, the discourses circulating about how to "come to terms with the past" were replete with the need to "uncover knowledge" that could once and for all exorcise the "national spirit" of its ghosts (Donghi 1988:14). The public rituals of producing

"evidence"/ "facts"/ "truth" about the past trauma became a key means in the will to disinter "the true identity of the nation". As the Public Prosecutor, Julio Strassera declared at the trial of the former dictatorship: "this trial could enable the Argentine people to recover their self-esteem and their trust in the values on the basis of which they constituted themselves as a nation" (Amnesty 1987:43). The longing for the absent "imagined community" ("who we *really* are") was linked with the will to "know": the "facts" and the "truth" which would be *got* from the traumatic event were ultimately to serve in separating and thus abjecting the "false" and "aberrant" values of Argentine identity from the "true" and "original" ones. Hence, the will to "come to terms with the past", to make the other into an object of knowledge, reveals the desire in the formation of a redeemed national identity: an opportunity for self-confirmation, a history lesson on "who we really are".

What then attracts and satiates the present's will to "know" is what appeases its identity. The foundational search for "*who* we really are" supplants the immemorial obligation that asks us to consider "*where* are the remains". The claim that moral reflection start from the present's concern to recover/justify its identity (as being "democratic"/"civilized"/"just"), not only neutralizes the distinctive call of the prescriptive, but produces a narrative that yearns for a unified and totalized "we". This of course represses difference, reconciling or excluding the other, those that fail to speak in the voice of the "we". In this sense the present "comprehends and englobes all possible reality; nothing is hidden, no otherness refuses to give itself up [to it]"(Critchley 1992:6). Hence, "coming to *terms* with the past" phrases for the present the "assurance that no otherness will hinder or prevent the Same and that each sortie into alterity will return to self bearing the prize of comprehension"(Critchley 1992:6).

Every "understanding" that settles the trauma into the present's desire for presence owes its existence to its other, the remains which remain in every claim to representation. In a paper entitled "The Politics of Measurement: The Contested Count of

the Disappeared in Argentina", Alison Brysk provides an analysis of how the "politics of measurement" structured the CONADEP's mandate and final report. Her work makes evident that the "facts" --specifically the aggregate body counts meant to evidence the extent of the state-sanctioned violence-- which were collected by the "truth commission" and subsequently became the monumental account of the disappeared, were "politically framed, limited, and deployed". As she states at the start of her paper "(b)eyond its historical/interpretive function, investigation often catalyzes a politics of information, in which various political forces in the subject state use the figures to argue their own...policies"(Brysk 1994:677-678). The CONADEP, which gathered the testimonies and accounts of witnesses, relatives of the missing, and survivors was the most comprehensive endeavour to produce "knowledge" of the military's "dirty war". Although the commission's time limit allowed it to file and write-up only about 30% of the material received during its nine-month appointment, it published a multi-volume report with a list of the documented disappeared which put the preliminary figure at 8960. Another significant limitation of the CONADEP's report on the extent of the state-sanctioned violence is its inability to add to its record the evidence of "disappearances" which gradually surfaced from poor and isolated areas. As late as 1988, "scattered and new reports of disappearances" which had taken place during the last-dictatorship, were uncovered in different rural locations; this new evidence however did not alter the official numerical figure. Adding to this is the exclusion of reports emanating from grassroots activists who through their work in poor urban neighborhoods, provided "local figures which far exceeded those officially registered for their area"(Brysk 1994:683).¹² Because of the limitations and the obvious fact that

¹² Yet another example of how the report was flawed in its account of the "disappeared", is provided in her book: *The Politics of Human Rights in Argentina: Protest, Change, and Democratization*, Stanford: Stanford University Press, 1995. Brysk cites Graciela Fernandez Mejjide the CONADEP's Secretary, who reports that "since the Commission did not directly investigate the repressive forces and relied on reporting by victims, cases with no witnesses or cases in which whole families disappeared would also not be reported."(p.216n.48).

"the predominant tactic of disappearance is inherently difficult to document and even to define," Brysk cautions that "there is no clear way to determine definitely how many people disappeared permanently in Argentina or who they were"(Brysk 1994:681,682).

Yet despite these limitations on knowing the "final" and "true" figures, "the 1984 CONADEP report has been widely adopted by researchers, foreign observers, and domestic political forces in Argentina" as the final and verifiable account (Brysk 1994:683).¹³ The deeply rooted positivist belief that numbers are somehow "purer" and less susceptible to "biased" influences than other sources of narration, provided a powerful technology for informing and confirming a narrative of the events that could "heal" and "reconcile" the exposed gaps in the "imagined community". In an interesting play of logic, the figure became a semantically powerful mechanism that was often cited by those discourses that insisted on "redeeming" the nation. For the CONADEP figure was large enough to justify the broad reforms needed to legitimize a post-dictatorship "redeemed" national identity, like the exemplary trials of the military officers, but "it was not on the same scale as other mass [state-sanctioned] murders" which could demand to expose and dislodge those national rhetorical tropes, norms, and conventions that sanctioned the violence (Brysk 1994:686).¹⁴ The period of disappearances was to be viewed as an aberration from the "national character" that needed only to "deal" with these "criminals" and reclaim itself. The exorcism which aimed at "healing" the "fragmented nation" obviously attempted to police the narrative

¹³ The way in which the CONADEP report has been officially catalogued betrays the state's desire to hold on to this number (8960) as the final version, despite the obvious discrepancies. Brysk tells us that the government of Alfonsín "sought to close the book on human rights investigations with the CONADEP report. The raw CONADEP records were closed, filed with an Executive branch Under-Secretary for Human Rights, and sealed to all but government officials and a handful of designated representatives of human rights organizations. The original CONADEP files are not available to scholars, journalists, or international organizations, and it is unclear whether records have been preserved outside of Argentina"(Brysk 1994:687-688).

¹⁴ In this regard, we witness the circulation of discourses which justified the limited and exemplary trials strategy (only a handful of officers were tried), by "favorably comparing the ratios of victims... in Argentina with that of the Nuremberg trials"(Brysk 1994:686).

borders around a numerical figure (and therefore did not include the disproportionate disappearances amongst rural and urban poor), so as to reconcile or expunge that which threatened to remind the nation of its remains. We should not think of this mechanism of exclusion as either a disclosure or disguise, but as a technology for the *production* of social knowledge and (national) identity.

In the next chapter I explore, in a more specific manner through the trial of the military dictatorship, how the legal-representational means for learning to come to terms with the past, defends the nation against the loss of its imaginary coherence. Amidst human rights discourse there is an ubiquitous consensus that what came to be known in Argentina as the "trial of the century" was, in the words of the 1989 director of Human Rights Watch, Aryeh Neier, "the most successful effort of the decade anywhere in Latin America, and perhaps worldwide, to hold accountable those who committed gross abuses of human rights"(cited in Hayner 1994:614-15). As Pricilla Hayner notes, "due to the efforts of the truth commission, together with the trials of military officers, Argentina is often looked to as an example for other countries searching for truth and justice in difficult transitions"(Hayner 1994:614). Despite her critical analysis of the politics of human rights in Argentina, Alison Brysk ends up joining the chorus of approval with her conclusion that, "by rewriting history, legitimating institutions, and establishing the boundaries of state accountability, the trials and investigations served to define democratic citizenship"(Brysk 1994:87). Her footnote to this claim reveals the pivotal point behind these endorsements, a celebratory gesture that cites the author Santiago Kovadloff: "the trial is founding the Republic. We, through this trial ...are founding the Republic. Founding civil rights. Founding the autonomy and independence of Justice"(Brysk 1994:225n.81). My concern will be to "read" what remains other to this founding lesson, to "read" what is discarded on the way to

"truth", reconciliation, and the republic's (law's) claim to "justice". Thus, I explore how in its desire to limit its own loss of ontological legitimacy, the nation transcribes and bonds the traumatic event into a contained and exemplary legal narrative that privileges national reconciliation over all other concerns –including "truth" and "justice".

Chapter Two

The "Post-Dirty War" Legal Strategy: Reading the Limits of National Reconciliation

I think if one can lump Derrida and Lyotard together in this way, I think what they are noticing is that we cannot but narrate. So it's not a question of waging war on narratives, but they're realising that the impulse to narrate is not necessarily a solution to problems in the world. So what they're interested in is looking at the limits of narration, looking at narrativity, making up stories that tell us, "This is history," or making up stories that tell us, "This is the programme to bring about social justice". They're looking at that in a certain way as symptomatic of the solution. We must work with them, but there are also problems. But the other problem also is that in a narrative, as you proceed along the narrative, the narrative takes on its own impetus as it were, so that one begins to see reality as non-narrated. One begins to say that it's not a narrative, it's the way things are.

Gayatri Chakravorty Spivak, *in conversation with Geoffrey Hawthorn* (cited in Redhead 1995:1).

Investigatory/legal strategies that seek to address a period of state-sanctioned trauma are often instituted as a means to "know exactly what happened, to tell the truth, to face the facts" so that "justice" may be done. I do not wish to deny the obvious: that a post-trauma society requires the measure of stability, legality and regularity that can come about from producing a "record" of the violations and from the prosecution of those responsible for human rights abuses. However, I do want to reconsider the canonical notion that human rights investigations and trials are simply conducted in the service of "truth" and "justice". In contrast to those claims which hold that "truth" and "justice" can be realized/disclosed by the workings of the law, this chapter focuses on

the limits and desires which are reinscribed through the legal narrative of a traumatic event.

Although I reject the supposition that "justice" can be realized by the law, I nevertheless want to insist that "justice" continues to "exist" as an ethical force that opens/exposes the immanence of any present norms or laws, to what is other to it. The chapter then gestures towards a memory of "justice", as opposed to merely the administration or fulfillment of the law. Whereas the law is based on a system of representation and calculations that inevitably regulate and exclude, "justice" can never be finally represented. For to do so would subsume "justice" in the present actuality of an existing normative system. This would drain the ethical force in "justice" that reminds us of what remains other to the law. To conceive of "justice" in this way necessarily involves us in the ethical process of *reading the limits* inherent in any "juridical" or "verifiable" representations. The chapter discusses and activates a reading of the limits as a way to remind the present of that which is not here --of what is excluded, or what cannot yet be phrased within the present interest for reconciliation. My concern then is with developing a reading that can instill a residual force which interrupts the immanence in any claims to "truth" or "justice".

Crisis and Redemption/ Remembering the Nation:

The powerful metaphoric practices that suture identity to nation continually work at reassembling diverse memories and members within the signs of a collective past. For the collective past is essential to the portrait of the "imagined community", as it informs and underwrites the cogency of the nation. "A narrative of the past whose central premises and general outline are shared by the different groups of society is a powerful unifying force in any country", writes Carina Perelli, "[for] so much of peoples' sense of self-worth and identity depends on what is perceived as the countries grand heritage and historical tradition"(Perelli 1992:416). Clearly then, the collective

past comes to provide a narrative structure that can legitimate the nation as a stable sign of identification. But as many have lamented: "the possibility of developing such a narrative in Argentina has been seriously undermined by the political events of the past three decades"(Perelli 1992:416). The reminder of the overwhelming violence that was committed in the name of Argentine identity fractures any simple claim of a personal or collective identity that is grounded on the nation. Along with the witnessing of overwhelming political violence, the absences and silences produced by the repressive strategy of disappearances besieged the possibility of narrating a coherent and homogeneous account of national identity. The question *Hay una historia?* (Is there a history?) --with all that it implies: is there the possibility of history?; or is there *a* history?-- has become a recurring motif which many writers that survived the "dirty war" beg of the present.¹ Commenting on Juan Carlos Martini's *La Vida Entera* (The Entire Life), a novel that trudges through the Argentine political landscape of the "dirty war" with an awareness that *la historia* cannot be directly articulated, Beatriz Sarlo writes: "... what has happened to us over these years can be distilled only in the chaos of a literary adventure. We are more or less sure that we will not understand [*la historia*] until we accept that its order is perverse"(Sarlo 1992:245-246). Because the absences and the question it invokes --*hay una historia?*-- can only be accessed obliquely, any teleological narrative about national belonging is dislodged. For in a society where a sense of historical agency has fallen into *los pozos* (literally *the holes*; also invokes the holding cells where *los desaparecidos* were disappeared), where the very fibers of common life are riddled with haunting absences, no story can readily "imagine a community" without making obvious what it has destined to oblivion. If there is anything that the "dirty war" finally brings to the surface, it is how any attempt to

¹ Ricardo Piglia's *Respiracion artificial*, Buenos Aires: Sudamericana, 1980., is the novel that best exemplifies this call to the present: *hay una historia?* Entirely weaved around an investigation of absences, the novel captures the nature of the discursive struggles to recognize the limits, gaps and ruptures of a self-enclosed present. For the English translation see: *Artificial Respiration*, Daniel Balderston, trans., Durham: Duke University Press, 1994.

represent a national identity will be constituted against an excluded other; how no story can claim to reverberate through the imagined community without being haunted by its victims, those others who cannot easily be incorporated, or reified through a common language, past or project.

Writing about the transformation of intellectual culture in Argentina, Beatriz Sarlo tells us that, "if in the two previous decades history seemed a repository where all meaning formed part of one all-encompassing Meaning [Identity], this homogeneity can [now] be at least questioned"(Sarlo 1989:55). As questions open-up the self-enclosure of national identity, the concern is with what the Argentine literary critic Francine Masiello describes as: how to permit the voices of otherness to expose the terms and limits of national culture (Masiello 1987:27). The point now is not to construct a "national culture" by looking for a "we", but to unpack how every "we" is constructed against its margins, "its limits", against the scattered traces of the other. Becoming concerned with the *relation* between the "we" and the other necessarily implies recognizing individual *and* collective responsibility for the "dirty war". It is in this reflexive spirit that Ernesto Sabato, the well-known novelist and president of The Commission on Human Rights Abuses, contemplating the "crisis" of Argentine identity after the investigation, declared: "I am not the same person I used to be. We saw too much horror"(cited in Reati 1989:33). Sabato's slippage from "I" to "we" is indicative of how the witnessing of the atrocities from the military's "dirty war" is a collective (national) phenomena that cannot be avoided by retreating into the self-enclosure of the private. For the recognition of the other makes obvious that no one (no "I") can escape his/her relation to the other; that the ways in which one is implicated in the relation to the other is the essential, primary and fundamental structure of identity.

Being able to recognize the responsibility to the other is especially significant for Argentina where the quiet, unquestioning participation of most of its citizens made possible the state-sanctioned violence against those who threatened to expose the

lack/gaps in the realization of a "pure Argentine identity".² Although it is true that many Argentines isolated themselves from their social environments out of fear for the consequences of "speaking out"(Corradi 1982-3), it must also be acknowledged that "in many cases their acquiescence in the means bespoke the intensity of their commitment to the ends"(Osiel 1986:153). The common colloquial Porteno (idiom of urban Buenos Aires) expression "*Y a mi que me importa?*" (And what do I care about that?) was often uttered not simply from fear or apathy, but as a way of rationalizing one's support for a strategy that while "distasteful" to some, proved nevertheless, to be in "their" interest. For lest we forget that the "*Proceso de Reorganizacion Nacional*" was not only a strategy for "ridding" the nation of its foreign "diseases", but was accompanied with an economic policy that delighted those of the middle-class who reveled in what is known as "*la plata dulce*" (the sweet money).³

² In this regard it is important to note, as does Jaime Malamud-Goti, that the initiation of state sanctioned terrorism (before the 1976 coup) was carried out by right-wing activists who were mostly composed of civilians. "(A)ctive participation of civilians in the campaign of terror (before) and during the military dictatorship, and mass support of the citizenry of the dictatorship's campaign of terror demonstrate that responsibility was shared by many sectors of society." Jaime Malamud-Goti, "Punishing Human Rights Abuses in Fledgling Democracies: The Case of Argentina," in Naomi Roht Arriaza (ed), *Impunity and Human Rights in International Law and Practice*, New York: Oxford University Press, 1995:167. Writing about the general acquiescence in Argentina during the dictatorship Antonio Elio Brailovsky states: "No political order is based on crime alone. Every government needs some level of public consensus in order to maintain itself, even a dictatorship. These crimes were committed with the backing of most of the traditional political institutions, who put forward mayors, ambassadors, ministers and secretaries, financiers, bishops, and union representatives; they all were capable of putting more complacent individuals in the jobs of the disappeared, while they achieved international support by exchanging commercial advantages"(iv). He goes on to remind Argentines that, unlike "those countries occupied by the Nazis [where] some form of clandestine resistance developed (...) [h]ere an utterly disconcerting passivity took over most of society's groups and institutions. The common people, the democratic groups, the respectable institutions had faith, with only small reservations, that legal procedures were being used"(foreword to Mellibovsky 1997:vi).

³ In an essay that deals with various "post-dirty war" Argentine writings on politics, economics and culture, Paul Buchanan cites Jorge Schwarcz's analysis of the era of the "plata dulce". Schwarcz reveals that this era was brought about by "a massive wave of speculation that siphoned productive assets into exchange and short-term interest markets. During this era ...money was made through borrowing rather than through productive investment, so that the capital infrastructure of the country was left to languish." The influx of foreign capital, besides obviously financing military extravagance, was intended to appeal to the middle-class as it would ease consumer credit restrictions. Also cited in Buchanan's essay is the work of Monica Peralta-Ramos and Carlos Waisman, who claim that because these policies had the concrete effect of "deindustrializing" Argentina and so thrusting millions of working-class Argentines into destitution, "the ultimate goal... was to establish the long-term foundations for a particular class fraction's control of the political and economic system, using the financial market as the coercive instrument". Paul G. Buchanan, "Exorcising Collective Ghosts: Recent

Excusing oneself from recognizing or caring about the other was discernible in the commonplace renunciations "*Por algo sera*" (It must be for something), "*En algo habran estado metido*" (they must have been involved with something), and "*No te metas*" (don't get involved), uttered by those who directly witnessed, or indirectly heard about the abductions. These ever popular recurring words at the time of the "dirty war" afforded, according to Frank Graziano, the psychological comfort of de-terrorizing and reinstating meaning to the norms of the day, so that those not "directly" affected by the "disappearances" could continue their daily lives without a radical rupture. But obviously this would prove to be a profoundly dangerous attitude (even for those who were enjoying the "*plata dulce*"), as it conceded in "bad faith" that the military had access to a "truth" which transcended the public, an otherworldly "knowledge" which could sanction the violence as just and necessary (Graziano 1992:77). This gave an unprecedented "mystical" connotation to "a war of repression" that was on a crusade to completely dismantle public life.

Because there exists no institutional ways with which to implicate how such attitudes of "bad faith" were --morally and historically, if not legally-- complicit with the perpetrators of the "dirty war", grassroots human rights groups⁴ and many cultural

Argentine Writings on Politics, Economics, Social Movements, and Popular Culture," *Latin American Research Review*, Vol. 25 No. 2 (1990):183-184. Jorge Schvare, *Argentina, 1976-1981: el endeudamiento externo de la especulacion financiera*, Buenos Aires: Cuadernos del Bimestre, 1983. Monica Peralta-Ramos and Carlos H. Waisman, *From Military Rule to Liberal Democracy In Argentina*, Boulder: Westview Press, 1987. Antonio Elio Brailovsky acknowledges that "very often [people in Argentina during the dictatorship] questioned the military, but they accepted the model for the country the military had created"(vi). "It is ...worthwhile remembering what daily life was like during the dictatorship. In contrast to the distinctive characteristic of the countries occupied by the Nazis --sadness-- many of us lived out the occupation as a time of self-indulgence, the Argentine 'belle epoque.' (...) Jorge Videla brought us color TVs, encouraged us to win a world soccer championship, offered us travel to foreign lands, and displayed before our eyes the immense marvels of Taiwanese electronics or French cheese. Certainly it was a grand era. We had access to consumer goods of which we had never even dreamt. Next year we might find ourselves in Paris or in Venice, toasting the return of the Malvinas. Every so often a vague shadow fell across this happiness: there were some people who were no longer among us to enjoy the imported cars or gadgets of whose very use we were ignorant"(foreword to Mellibovsky 1997:v).

⁴ For rhetorical purposes I will refer to those human rights groups who were not *directly* engaged with the official endeavor to erect *the* monumental narrative of the "dirty war" as "grassroots human rights groups". This by no means does justice to the complex and heterogeneous groups that would fall under this category. For an account of the differences and tensions underlying human rights work in

workers launched an extensive effort to "open-up" for interrogation, the social milieu which made these crimes possible. As I have already suggested, one of the most riveting conclusions which emerged from this process was the recognition that the "dirty war" was fueled and based on the nation's obsessive drive to erect a unified, and transparent "we" that would not tolerate any sense of otherness. For those seeking to work for a society where such horror would "*Nunca Mas*" (Never Again) take place, it became urgent to recognize the other --as that which has been excluded from the "we"-- and the ways in which one is implicated in relation to this ineliminable otherness. Obviously this would involve an ongoing process that would seek to expose and dislodge those national rhetorical tropes, norms, and conventions which sanctioned the violent episode. Javier Torre and Adriana Zaffaroni gesture towards an expansive and ongoing process when they write:

...the authoritarian politics of the recent military governments in Argentina was not a meteorite in the midst of a sky of freedom or a sudden and unilateral decision by a small group of Fascist conspirators. Rather, it was simply the most recent and acute cultural transformation of the intolerance that enjoys a long tradition in Argentina. If this is true, the passage to democracy, as much in the cultural sphere as in others, will require an attempt at comprehension and political imagination that go far beyond institutional recuperation (Torre & Zaffaroni 1989:16).

Bracketing and Re-legitimizing National Desire:

Precisely because the recognition of the other is bound to open up a space for dislodging the fixed and bounded assumptions of national identity, intense effort to confine this process takes place. Proposing that the precarious new democracy would

Argentina see: Elizabeth Jelin, "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives*, Issue 81, Vol. 21 No 2 (1994):38-58.

not survive such an ordeal, an official human rights strategy moved to bracket any discussion of the authoritarian ethos underwriting Argentine identity in favor of re-establishing the "rule of law"(Brysk 1995:67).⁵ To this end, "then-President Alfonsín placed the project for reaching national reconciliation through truth and justice at the center of his *New Nation Proposal*" (Brizuela & Castells 1992:60).⁶ The official rights strategy answered the "crisis of identity", which hovered over "post-dirty war" Argentina, by framing the discussion within the questions and protocols for how the legal norms of the nation can come to terms with the past.

Of course the initiation of the trial was and should be broadly welcomed: however, an excessive legalism encroached upon public debate in Argentina impoverishing the re-democratization process with a facile means for "coming to terms with the past". The overlegalization of "remembering the past" tended to feed into the national wistfulness for a reverential precept that would synthesize the exposed differences, subduing them within an all-encompassing (metaphysical) explanation. The "treacherous assault on the law" was invoked repeatedly as the explanation for what promoted the "dirty war": the law was the victim of "terrorisms" from both the left and from the right.⁷ Although caught in the middle of the senseless violence the law inevitably endured and was able to once again establish normalcy to the nation. For most Argentines who remained quiet and passive during the horrors committed by the

⁵ Mark Osiel notes that, official human rights groups believed that to "prosecute society" beyond the exemplary and limited legal frame would amount to the nation "tearing itself apart with a decade of mutual recrimination" (Osiel 1986:154).

⁶ As we will encounter later, this process for "justice" would be an exemplary one that had to constantly contain the overwhelming "retributive" impulse.

⁷ The "anti-terrorist campaign" was often invoked, by the Alfonsín government that had initiated the trials and by the prosecution, as a "regretful and aberrant episode" that was the *fault* of "two terrorisms", one emanating from certain segments of the military and the other from the "guerrillas". Interior Minister Antonio Troccoli and Luis Moreno Ocampo, Assistant Prosecutor in the trial of the juntas, both expressed that the military and "the left" were "twin sides of the same coin" (cited in Osiel 1986:158). Despite the fact that the "guerrilla struggle" was nearly eradicated at the time of the 1976 coup and that the violence which was committed by the "terrorism of the state" was far worse than that of the short-lived "guerrilla struggle", both the (phantom) "guerrillas" and a handful of military officers were equally to blame, and hence equally responsible before the law.

state, the presentation of the law as being "caught in the middle", as being unable to convince "the *two* violent groups" of its decency, provided powerful tropes for identification. For it bespoke their desires to appear righteous while being absolved of any implications with this period: their morals were "held hostage by rival extremist who were completely irrational". Viewing the "dirty war" as a period of barbarism and chaos that was the result of a "minority" of people, brought about the need to redeem the "true" identity of the nation. In this sense, the law becomes the unassailable foundation, a first principle or unimpeachable terrain upon which Argentina can establish its sense of itself.⁸

Invoking the trial within the continuum of the nation's "founding norms", thus provides the national imaginary with a means of bracketing its authoritarian ethos as a "regretful and aberrant period" that can now be overcome by (affectively) remembering its "true"/"original" values in the law. This reverence for the law, as the "founding" terrain of the nation, shelters the national imaginary from the recognition that an authoritarian legacy has often accompanied the popular desires and claims of Argentine identity: the violent past is now not only presented as an abhorrent event, but is also displayed as an ephemeral episode —one that is aberrant to the Argentine community. Hence, this reverence assuages the necessary introspection and possible disruption of identity that would come from admitting that, "these [authoritarian] ideals had been loved by us, although they were also hated, and that they are still parts of ourselves." The psychoanalyst Gottfried Appy continues, "[t]o declare them [these authoritarian ideals] only as being 'out there' [or as an aberrant past episode] denies our identification with them ...Only after this sort of recognition of an inner conflict, can a renewed separation from them take place" (cited in Wagh 1996:296). Appy's concern points to "a particular kind of memory work [which] is needed [in order] to develop the

⁸ Recall Santiago Kovdloff's statement: "We, through this trial ...are founding the Republic"(cited in Brysk 1994:225n.81).

ability to mourn... not only for the loss of persons, but also for [national] ideals and narcissistic self-love"; this would be "less a matter of recalling facts and events", than of remembering and reconsidering the national community through its "ways of behaving, value judgments, feelings, and fantasies"(Mitscherlich-Nielsen 1989:407).⁹

However, the desire for national self vindication and integrity can avoid its disturbing implications with the now abject authoritarian ideals by drawing on the symbolic blanket of the law, by drawing on the *supposed* assurance of an "objective" (technically "neutral") mechanism for coming to terms with the violent past. By promising a "neutral" means for producing knowledge of the past, the trial -- symbolically-- *attempts* to eschew or contain the problems, concerns, and anxieties which are riddling the nation. Following Foucault's claims on the production of discourse, we can see the trial as attempting to produce knowledge that, "...is at once controlled, selected, organized and redistributed according to a number of procedures whose role is to avert its powers and its dangers, to master the unpredictable event"(cited in Gaete 1993:52). By bracketing the discussion within legal ("neutral") questions and protocols, the possibilities of recognizing the other --both the victims and the now abject authoritarian ideals-- can be more or less framed so as to avoid those "dangerous" and "unpredictable" instances. In other words, the appeal of the law, as means for "coming to terms with the past", resides in its very mechanism for bounding knowledge.¹⁰ For it seemed that the "neutral" workings of the law could avoid or

⁹ This comprehensive process, with all its ensuing ambivalences, was, as I have already mentioned, officially designated as being quite risky for the "precarious new democracy". Although we can understand --within the logic of "real politics"-- why the decision to frame the introspective process took place within the law, I am proposing that we also take note how the law serves the *desire* to bracket the Argentine authoritarian legacy, in order to continue the integrity of the national imaginary. Because state legitimation often depends on "what is perceived as the nation's grand heritage", the re-legitimation project does not only take place within the strategic maneuverings of political alliances/conciliations, but *affectively* seeks to preserve a nationally viable imaginary in spite of its being inextricably tied to a violent past.

¹⁰ However, as I will unfold later, this technology would ultimately be incapable of producing any conciliatory knowledge.

contain those "other" messy instances that would contradict the national imaginary and consequently problematize the process for reconciliation.

Indeed, the legal strategy hinged on the conciliatory assumption that, "trials for human rights violations committed in the past are great occasions for social deliberation and for collective examination of the moral values underlying public institutions"(Nino 1996:131). To frame the legal strategy in this way is clearly to grant a privileged, or determining role to what brings about "social deliberation", to what continues the nation's "institutions", rather than to what problematizes, contradicts, or ruptures their vocabulary and cohesion. Since this is a mechanism for stabilizing the "crisis of identity" through social and institutional reconciliation, we need to ask: What are the limits to this "great occasion"? What remains other to the "deliberation"? Who fails to speak in the moral voice of the "we"? But before directly engaging with these questions of the limits I wish to consider the legal strategy that privileged the discourse of "national reconciliation" as a means for coming to terms with the past. Given that the official human rights strategy made claims about establishing the "facts" of the violent past through the regime of "jurisdiction" and "veridiction", it becomes important to draw out how the law (like all metaphysics, like all fictions) does not "disclose" an empirical reality, but produces (legitimizes) "facts" within an historically mediated form of understanding that shapes and constrains the possible protocols for determining meaning. Because the production of knowledge through the law is thus no more "true" than the re-legitimation of power, we should understand the "facts" which the trial produces, as a body of self-substantiating discourses that often uphold, condone, or make viable certain patterns of "knowing", while marginalizing, or precluding others. In what follows I will take up how the desire for reconciliation determined which aspect of the event was admissible as (legal) knowledge and which was not.¹¹ Although I will

¹¹ The most detailed scholarly account of the legal strategy is provided by Mark Osiel (1986, 1997) and Carlos Nino (1996). While my re-telling of the legal strategy follows some of their descriptive accounts, I also wish to expose their claims and assumptions to a meta-ethical reading.

discuss how the legal strategy privileged the desire for national reconciliation as the main frame for narrating the "dirty war", this does not imply that the actual strategy accomplished to repair or reconcile the exposed contradictions in Argentine nationalism. Rather, in the following section, I will explore how the actual workings of the trial, far from totalizing itself into one monumental narrative/disclosure, actually leaves "traces" of what it attempts to forget and exclude from its very representation.

The Law, National Reconciliation and its Limits:

To be sure, "society", the "nation", or its "institutions" could not possibly be on trial. Luis Ocampo, the Assistant Prosecutor in the trial of the junta, reveals the polemical scenario informing the legal strategy:

The new democratic government must decide whether to investigate and punish, or create a system of amnesty. If one opts for investigation and punishment then there is another issue that one must grapple with and that is the question of how far to proceed... the issue of punishment is great when there are many people who are at fault ...[I]n Argentina if we had wanted to punish all those who were at fault, we would have to punish the military, bishops, bankers, businessmen, diplomats and some judges. So one must make a choice. In Argentina, that choice was made and it was decided that the principals would be punished... (Ocampo 1990:377).

Clearly, if this was going to be a strategy that would "exorcise the national spirit of its ghosts" and initiate a process for reconciliation, there needed to be limits. In his introduction to the 1986 English version of *Nunca Mas*, Ronald Dworkin reaffirms this sentiment when he writes, "...Argentina needed to bury its past as well as to condemn it, and many citizens felt that years of trials would undermine the fresh sense of community Alfonsín's victory had produced"(CONADEP 1986:xviii). Although the tactic of disappearances had explicitly structured a mechanism that scattered

responsibility as widely as possible throughout the ranks, and although the military's campaign had both vocal and active support from various civilian leaders/groups, the intention was to bring to trial only a handful of high-ranking officers. These limitations were guided by a logic of "evenhandedness" that of course is intrinsic to reconciliation: "once it had been decided that the omissions of civilian leaders would be forgiven, consistency required that the omissions of military officers be forgiven as well"(Osiel 1986:154). Thus, rather than treat the military as an "illicit association" that would face a Nuremberg-style special tribunal, the legal strategy adopted here proposed a limited number of "criminal" trials that would be exemplary. The desire for a contained and exemplary lesson that would reestablish the rule of law, made it inconceivable to bring to trial any of the institutions, groups, ideologies, or other broad social concerns which were directly or indirectly implicated in the campaign of disappearances. For if the trials were to do so they would certainly run the risk of exposing the conflicting aspirations and interests within the "fresh sense of community".

As early as the 1983 election campaign, this strategy was already evident. Alfonsin's emphasis for "truth" and "justice" was invariably tempered with prudential considerations: for the sake of consolidation he would plead over and over that, "we have to distinguish between those who gave the orders, those who carried them out, and those who committed the excesses" (cited in Mignone 1992:258-259). Once in office Alfonsin and his advisers, namely the legal philosophers Carlos Nino and Jaime Malamud, drafted a comprehensive statute (Law 23.049) that formally established jurisdiction for the trial and a reinterpretation of the military due obedience clause. Jurisdiction for the trial was allocated to the highest military court --the Supreme Military Council-- with a broad right of appeal to the civilian courts. "Since a military trial would ... have been closed to press and public, it offered the officer corps a chance to avoid an open display of the extensive criminal involvement of its members beneath the level of the juntas"(Osiel 1986:156). Plainly then, the procedure afforded the

military an internal and innocuous process for self-purification. It was hoped that this would give legitimacy to the rule of law without a massive purge of the military institution as a whole. The desire to consolidate the military (which was still largely made up of officers who were schooled and/or had served during the repression) within the "fresh sense of community" depended on carefully bounding the issue of criminal responsibility. To this end the reinterpretation of the norm of due obedience proposed that, "a rebuttable presumption was to be created for those who followed orders that ultimately violated human rights and erred about the legitimacy of the orders. This presumption was not to be available to those who had decision-making capacity"(Nino 1996:69). Hence, the legislative package which initiated the criminal proceedings against the military focused on the nine commanders of the first three military juntas from 1976 to 1983. In accordance with Alfonsín's prudential call for "justice", the strategy severely confined further trials against the military as it sanctioned, for those who did not occupy its commanding offices, an automatic presumption of due obedience --the so-called "taking orders" defense. However, some modifications were made, the most significant one taking place in the Senate, where a small regional party (whose leader had two of his sons "disappeared") introduced an exception to the defense of due obedience that excluded anyone who committed "abhorrent" or "atrocious" acts. This qualification, which more or less exceeded the prudential consideration for consolidation, began to complicate the contained and exemplary legal process. As we will see, the law which promised a means for "coming to terms with the past" consequently would be asked to be something more than an exemplary forum.

In the aftermath of several extensions, it was evident that the Supreme Military Council was unwilling to carry out the prosecutions against the nine junta commanders. As the Buenos Aires Federal Appeals Court intervened and transferred jurisdiction to the civilian courts, the cloistered strategy for an exemplary institutional purge gave way to a public trial. Much was/is made about the pedagogical benefits of having the

procedures of the trial exposed to the public.¹² According to Carlos Nino, "public inquiry into the truth is much more precise and much more dramatic when done through a trial, with the accused contributing to the development of the story. In fact, the quality of narration in an adversarial trial cannot be fully replicated by other means"(Nino 1996:146). But obviously the narratives which the trial brought forth were not constative of any "precise" or transparent "truth"; rather, the "truth effects" depended on the interlocutory situation which provided those narratives with their possible reading(s). As the narratives of the trial became more public they consequently became involved in a more complex and unpredictable meaning system that inevitably threatened the precariously regained "fresh sense of community" with very real contradictions and differences. Necessarily then, the public narratives surrounding the trial were punctuated with "official" reminders and exclamations about the need for limits and consolidation. Thus, by the mid point of the trial's proceedings (July 1985) Alfonsín was already foreshadowing the "proper" resolution to the narrative; in a military ceremony, that was attended by the media, he spoke of an "end point" for containing any future prosecutions and of the need for "reconciliation". He then went on to attribute the responsibility for "past errors" to "the whole of Argentine society"(Beltran 1987:232n.11). The overinclusion of responsibility that is evoked here attempts to circumvent the public readings of the trial, as it rhetorically dismembers the

¹² One of the ways in which the trial became publicly accessible was through the immensely popular *Dario del juicio* (Journal of the Trial). This newspaper, which was almost entirely made up of nothing but edited transcripts of the trial testimony, was reported to be the largest-selling weekly publication during the trial, averaging 200 000 copies in street sales per week (Osiel 1986:143). Apart from the mass diffusion of this newspaper Marcelo Suarez-Orozco reports that, "there were not only hourly television and radio updates of the proceedings but also... other publications were produced to cover all major aspects of the trial. (...) Suddenly a compulsion to speak of the unspeakable seemed to consume the Argentine imagination"(Suarez-Orozco 1992:249). Diana Taylor reports that during and after the trial there was "a hunger to see, to know"(Taylor 1997:12). She gives us a list of some of the different ways in which the trial became a public phenomena, "*El libro del juicio* (The Book of the Trial) appeared in 1985. The Asamblea Permanente por los Derechos Humanos (Permanent Assembly on Human Rights), a prominent human rights organization, put out the video *El juicio: Un documento inédito*. The Madres de la Plaza de Mayo continued their marches around the plaza and began publishing their own paper, *Madres de Plaza de Mayo*, complete with its Galeria de Represores (a portrait gallery of the military men involved in the repression). During this period, scholars such as Oscar Troncoso compiled and published documents pertaining to the Dirty War"(Taylor 1997: 12).

different ways in which Argentines are implicated with the past violence. That is, by collapsing all differences into a "meta-excuse", the very real differences which cut across Argentina during and after the "dirty war" are reconciled into oblivion.

After five months of oral testimony the court recessed to prepare its verdict.¹³ Aware that the findings would establish an inextricable precedent on the issue of how far to prosecute, concern focused on how the due obedience defense would be circumscribed by the interpretation of the rules of agency and participation. While the tribunal was preparing its decision, Alfonsin and his strategists were anxious to mark the denouement of the moment with the concern for consolidation. On October 1985, a "secret meeting" to specifically discuss the issue of due obedience was scheduled between Alfonsin and the six judges who were presiding over the trial. Carlos Nino, who hosted the meeting, relates the following:

Over coffee, Alfonsin asked whether petty officers would, after ten years, be held responsible for their acts. Judge Ledesma replied that, in most cases, the individual perpetrators could not be identified. Other judges suggested that a six-month term could be established, at the end of which all those unidentified would be free from penal prosecution. Alfonsin remained unconvinced that such measures would adequately contain the trial. He finally asked whether the judges could define due obedience in their decision to effect such ends (Nino 1996:87).

Despite the "official" request to resolve the issue of due obedience, the court's verdict (which was only concerned with the commanders), could not properly settle the matter of subordinate responsibility. On the one hand, the court dealt with the issue of agency

¹³ On December 9, 1985, the court delivered its verdict. Since the court attributed responsibility for the proven criminal acts to individual commanders the sentences varied. Out of the nine defendants four were acquitted (Graffigna, Galtieri, Anaya, Lami Dozo); only two were given life sentences (Videla and Massera); Agosti was sentenced to four and half years; Viola received seventeen years; and Lambruschini was sentenced to eight years.

by implementing the "control over the act" theory: "The criminal acts perpetrated by the subordinate officers were always under the control of the defendants, hence they must answer as indirect perpetrators even if some of the direct perpetrators can be exempt from criminal responsibility"(Nino 1996:89). On the other hand, the court qualified this reading "with a reminder that the trial had not adjudicated the question of the criminal responsibility of lower ranking military personnel for the crimes considered. [Hence, the court noted] that the Supreme Council retains the obligation under Law 23.049 to investigate the criminal culpability of subordinates"(Gray 1986:696). Much to the chagrin of those proposing strategies for consolidation, the trial's inability to decisively interpret the due obedience defense opened the way for further prosecutions.

The discourses which revered the law as the means for "coming to terms with the past" did not only manifest the desire for commonalty/consolidation, but also, albeit latently, harboured a yearning for retribution. A popular chant heard in the background to the trial called out, "*Castigo a todos los culpables*" (Punish all of the guilty). Yet, as it is evident from the above, the legal maneuverings were calculated to contain rather than enable the retributive (divisive) force behind the law. While the deep-seated aspiration for the law indirectly drew on the affective inclinations for retribution, the multifaceted but ubiquitous concern for reconciliation harnessed the potentially divisive sentiments. The exemplary display of the rule of law became the pre-eminent anchoring point for the montage of impulses and sentiments that were, in one way or another, invoked by the process of "coming to terms with the past". However, as the possibility for prosecutions widened, it was no longer possible to encircle the various impulses and sentiments within the display of an uncontroversial set of legal norms. The law itself became complicit with the retributive impulses that exceeded the prudential consideration for national reconciliation. For it now seemed that the law could be asked to go beyond the limits of an exemplary model and in due process "punish all of the guilty". In less than a year after the court's ruling on the nine commanders it was clear

that, "the scope of the trials had already escaped the control of the Executive and the judicial process had assumed a life of its own"(Brysk 1995:80). A tide of charges against the military flooded the courts; by 1986 there were at least 3000 cases before the Supreme Military Council, while others were sluggishly proceeding in civilian courts. Although invoked by the retributive desire to "come to terms with the past", the legal machinery could not meet the demand that was unleashed.

While the prosecutions continued to inconsolably pile before the courts, Alfonsín and his legal team drafted a number of measures to decisively limit the trials. In order to preserve the principle that "no one can be above the call of the law", the strategy avoided an open amnesty and instead sought assurance by proposing legislation that imposed a cut-off date for all the trials. The "Punto Final" law (full-stop) specified a sixty-day limit for submitting charges that were defined in Law 23.049; otherwise all such charges would once and for all be extinguished. Despite the fact that the first thirty days of the period for submission fell on the traditional vacation season, a large number of indictments were brought forth. The consolidatory effect which the Punto Final law was hoping to procure did not materialize as more and more military officers continued to be called before the law. Some months after the Punto Final deadline, in April 1987, a serious military rebellion against the trials developed. The conflicting aspirations and interests within the "fresh sense of community" came to the fore. Once again, a prudential legal proposal wrapped the fractured community with the blanket of national reconciliation. Three days before Alfonsín would negotiate with the military rebels, he declared to the legislature: "We will reaffirm in concrete actions the criteria of responsibility that will permit national reconciliation"(cited in Mignone 1992:261). Endowing the issue of responsibility with the goal for national reconciliation evidently implied returning to the "original" legal strategy of allowing most of the officers to claim the "just following orders" defense. The military rebellion, which came to be known as the Easter Week crisis, was resolved on Easter Sunday

(April 19) after Alfonsín met directly with the military rebels. Within weeks the "due obedience" legislation was introduced and subsequently passed by Congress. The law revised the due obedience defense to favour a perfunctory closure for the trials: It explicitly defined and confined the notion of decision-making capacity to the high military ranks; it conceded that subordinates were innocent of any criminal violations, since they were following "legitimate" orders that they could not question; and consequently annulled the exception to the defense that excluded anyone who committed "abhorrent" or "atrocious" acts.

Ways of Reading:

It is apparent from the above that the legal strategy for "coming to terms with the past" was inevitably weaved by the political presumptions and constraints for reconciling the "fragmented community". Commenting on the trials, the Argentine political scientist Mario Sznajder confirms that, "the theme and concern for past human rights violations was gradually eroded and marginalized by the political negotiations/conciliations"(Sznajder 1995:30). Carlos Nino qualifies such a critique by proposing that even though the trials were part of a complex political compromise, their "narrative quality" *nevertheless* highlights the value of the law: "The contrast between the legality of the trials and the way the defendants acted is prominently noticed in public discussion and further contributes to the collective appreciation of the rule of law"(Nino 1996:147). The purpose of the trial, it seems, is not so much to respond to the wrongs of the past, but to provide a showcase for the rule of law. This pragmatic and limited process for restoring the rule of law affords national reconciliation as it contains the aberrant sentiments of a post-trauma society. Moreover, the narrative of the trial, despite its limitations, provides us with an abiding lesson; for, according to Carlos Nino, "even when pardons are issued at the end of a trial, they do not counteract the initial effect of such emphatic public disclosure. The disclosure of the truth through the

trials feeds public discussion and generates a collective consciousness and process of self-examination"(Nino 1996:146-147).

But the rhetoric of an "emphatic disclosure" that sutures "collective consciousness" always turns out to be based on a denial; on a denial of the mangled tissue that holds and marks the "truth". If we recall the above account of the legal strategy, the assumption that the trial would disclose the "truth" seems to disregard the circuitous premises which organized, moralized, and disseminated the event as a discourse. Without these considerations any account of the "truth" (and any account of "collective consciousness") will necessarily avoid asking who is excluded and what interests are served by the circulation of this normative narrative. Rather than ask these questions, rather than treat the process of "disclosure" as a discourse, Nino seems to assume that the law possess an internal integrity and objectivity that allows the "collective" to neutrally come to "consciousness". We should also note here that Nino's claim (which aspires to turn the violent past into mainly a technical showcase/lesson for how to adjudicate/apply legal norms), latently harbours a desire to insulate public discussion from the messy ethical questions. For granting privilege to a "narrative" that "contributes to the collective appreciation of the rule of law", implies giving a determining role to what brings about "social deliberation" and to what continues the nation's institutions. Of course, this is accomplished at the expense of what contradicts, ruptures, or problematizes the desire for "collective consciousness" --those "dangerous" and "unpredictable" ways of speaking (or not speaking) which accent and interrupt any process of "disclosure".

Given that the law was mainly informed and motivated by the protocols for national reconciliation, that in all instances it works as a normative apparatus, it becomes crucial to interrogate how its narrative legitimates certain "ways of speaking" while precluding others. Thus in contrast to any "abiding lesson" for reconciliation, it is possible and necessary to develop an ethical reading by concerning ourselves with what

is otherwise than those claims which seek to read the trial (against all its disruptions) as a process for the "disclosure of the truth". Acknowledging that the "disclosure" which generates a "collective consciousness" is constructed through exclusions, provides a self-critical moment for taking care of the remains. Hence, my concern for discussing the limits of the trial/legal-strategy does not gesture towards rectifying the "truth" through mending the law's capacity for distribution or retribution. Rather, my regards are with the remains that remain other to the law's representation and adjudication: Thus, what remains other to this monumental narrative of the event? What remains on the way to reconciliation? I now turn to consider how the narrative of the trial of the nine commanders is inextricably tangled and constructed against an excluded other.

The Remains of Reconciliation: Reading the Other

The "dirty war" was often invoked as a "regretful and aberrant episode" that was the fault of "two terrorisms", one emanating from certain segments of the military and the other from the "guerrillas". Viewing the "dirty war" as a period of "barbarism and chaos" that was the result of a "minority" of people, brought about the need to redeem the "true" identity of the nation. In this sense, the law becomes the unassailable foundation, a first principle or unimpeachable terrain upon which Argentina can establish its sense of itself. As the Public Prosecutor, Julio Cesar Strassera, claimed: "this trial could enable the Argentine people to recover their self-esteem and their trust in the values on the basis of which they had constituted themselves as a nation"(Amnesty 1987:43). Thus at the core of the nation is the original position of law, a unifying and essential ground where all inhabit a situation of complete equality and sameness, where the distillation of the nation's norms can be crystallized and sealed. To bring the incomprehensible before the law provides a pedagogical opportunity for self-confirmation, a history lesson on the founding values of the nation. This hypothetical state of nature/nation had an incredible force in the "official

narrativization" of the "dirty war". For, it was from behind this "veil of ignorance" that the law would provide a record that could: "...distinguish dispassionately the legitimate aims of the anti-terrorist campaign from the illegitimate means adopted for its realization"(Osiel 1986:155). Working from these presumptions, there was no room for the trial to consider the whole "anti-terrorist campaign" as being itself wholly "illegitimate", and as a means to institutionalize class war by the state; for this would have breached the discursive framework ushered by the process of national reconciliation. Hence, the trial "steered clear of judging the legitimacy of the junta as a government or its decision to combat subversion, [the court] confined itself to judging the defendants for the commission of well established crimes and struggled to make the proceeding resemble an average criminal trial"(Speck 1987:494).¹⁴

Because the boundaries within which the criminal case must organize its "facts" assumes that behind the "veil of ignorance" all are equal, that the differences of race, class, sex and social status are irrelevant, the trial produced a highly juridically individualized narrative of the event. As Carina Perelli observes, "the collective dimension of repression tended to be lost in this bleak recitation of individual pain and despair"(Perelli 1992:435). The long list of kidnappings, murders, and torture without seriously exploring the connections between them, conveyed quite a discreet picture of an institutional process that was systemic in its selection of victims. In not considering the broader social milieu, "the trial failed to provide an outlet for the feeling of personal inadequacy, anger, and frustration repressed during the years of extreme

¹⁴ In its concluding remarks about the trials Amnesty International made a statement about the possible problematics of attempting to seek justice through the procedural peculiarities of a "criminal" case: "The Court was guided by the basic principle in criminal law that liability and the corresponding sentence must be assessed individually and not collectively. Collective entities cannot stand trial, only individual persons, and this poses major difficulties in cases of offenses planned or perpetrated by groups. Although the question of collective responsibility was resolved in the case of this particular trial, it will undoubtedly continue to provoke disagreement in legal and moral discussions" (Amnesty International 1987:86).

individualization, under the culture of fear"(Perelli 1992:435). The trial was particularly vexing, for although there was evidence that the military was involved in a specific "cleansing" policy, against independent labour unions, social movements, certain religious groups, and other political "undesirables", the issue of "genocide" was excluded from the criminal case. In claiming to be doing nothing more than re-establishing the "rule of law", applying the unifying and original position of law "blindly" and with an even measure against all the *individuals* who had violated it, the trial could/would not explore the larger "social or ideological" dimensions that were imbricated with the "criminal case".

Examining sequentially a series of individual crimes, separating each one from the other, secured for the "nation" a means for assuaging the "dangerous" and "unpredictable" enunciations of the event. Hence, we see the "prosecution failing to pursue the periodic suggestions of anti-semitism among the torturers, offered spontaneously at the trial by several prosecution witnesses" (Osiel 1986:163n.64). Mark Osiel notes that "the fear that the trial might come to be labeled and discredited as "the work of the Jews" may have restrained the prosecutor from such questions"(Osiel 1986:163n.64). Because anti-semitism was (and continues to be) another facet of the "ideology" prevailing within the officer corps, any implication about its motivating the "crimes" of the "anti-terrorist campaign" had to be disregarded in favour of the prudential consideration for consolidation. Moreover, since the exemplary trial was implicitly producing a narrative that was attempting to stabilize "the crisis of identity", the issue of anti-semitism, which called up a long history of national fragmentation, threatened to remind the "nation" of its excluded others. It is important to note then, that the way that the trial's narrative framed the 1976-1983 period as an aberrant and isolated episode of state violence dehistoricizes the authoritarian ethos that has been entrenched in Argentine society since its inception.¹⁵ Malamud-Goti confirms this:

¹⁵ Even if we were to overlook (and that surely would be a mistake) the atrocities that were committed

"Both official and popular versions of recent Argentine history suggest that state sponsored human rights violations were the results of the military regime's strategy following the 1976 takeover. However, situating the massive abuses between March '76 and December '83, when the military was formally in power, is a misleading version of history"(Malamud-Goti 1995:166). Thus, adapting Peter Goodrich to this case, the law institutes an order of discourse that prohibits those heterodoxies of speech/identity/memory that are deemed to threaten not only the legitimacy of legal meaning, but also the signifying power of the nation (Goodrich 1990).

Differends Before the Law:

The trial was produced not only from the confines of legal norms and procedures but also from the desire to produce a narrative that would lend legitimacy to the project of national reconciliation; a project of course that always excludes and forgets the other, those that fail to speak in the voice of the "we". The danger for those engaged in juridical institutional work would be in denying this exclusionary violence -- in seeing this monumental narrative as a way of finally coming to terms with the past, as a way of disclosing or establishing "truth", "justice" and "reconciliation". When we consider that many of the disappeared are still and probably forever undocumented, that their remains REMAIN unburied, we realize that no legal endeavor (whether it be exemplary, prudential or retributive) can ever really do justice to this event. Even if the trial could be staged so that it would not be marred by the presumptions and constraints for national reconciliation, even under the most "objective" procedures, justice would still be lacking. For the unrepresentability of this violent "non-death" is such that it

during Argentina's early formation, recent history cannot justify a time when "democracy" and respect for "human rights" were "the norm": consider that between 1955 until 1983 Argentina had only six years of freely elected governments. Of course the repressive strategy of "disappearance", between 1976 and 1983, was both abhorrent and unprecedented in the way it affected and implicated large sectors of the population; yet, the authoritarian conceptual framework (that tolerates no sense of otherness) which fueled the military's "dirty war" does not stand as an anomaly within Argentine history, but is continuous with its uncompromising quest for "national purity".

necessitates a foreclosure of coherent and integrated conclusions, because it also raises its incommensurable relation with the current conventions of any given society. The law is limited here not only because it operates inevitably from the present norms and desire for order and closure, but because its vocabulary runs out when it wants to condemn or punish something as imponderable as mass murder and torture. Hence, to call the violence of disappearances "criminal" risks diminishing its incommensurability, as the event becomes a problem that can be settled or repaired through litigation. The extreme suffering involved and the heinous acts of mass murder and torture completely disrupts our self-understanding and the understanding of our immediate social world. Truly then, we are confronted with something which calls us beyond our moral and legal standards. But since this non-understanding provides no evidence in a court of law, the sense in which the event is incommensurable with our present categories remains unrepresentable.

This unrepresentable instance threatens any structure which is intent on denying its loss to an other possibility. If the trial was a means of privileging national reconciliation so as to avoid the introspection and possible disruption of national identity, this gap which breaks the continuity of national institutions, norms and ways of speaking is a threatening moment which must be filled over with what "we" understand. The discrepancies and limits of the trial must be covered over with claims which console the desire for "a national narrative that can effectively foster discursive solidarity"(Osiel 1997:283). Rather than think through the ways in which the gaps and ruptures in the trial shatter, confront and invoke the nation beyond its self-understanding, recent scholarship which explicitly reflects upon the trial of the military in Argentina (Nino 1996, Osiel 1997), has tended to emphasize the pedagogical benefits of retelling the past within the vocabulary of the rule of law. Clearly aware of the limits of an exemplary trial Mark Osiel writes, "the orchestration of criminal trials for pedagogic purposes --such as the transformation of a society's collective memory--

is not inherently misguided or morally indefensible. The defensibility of the practice depends on the defensibility of the lessons being taught --that is, on the liberal nature of the stories being told"(Osiel 1997:65). As long as the trial stages an opportunity to repair and continue the telling of the liberal tradition --this implies telling "a story in which men are portrayed as autonomous subjects, choosing to conduct themselves in this way or that"(Osiel 1997:72)-- the limits of this form of representation can be justified. Osiel concurs, "whether show trials are defensible depends on what the state intends to show and how it will show it. Liberal show trials are ones self-consciously designed to show the merits of liberal morality and to do so in ways consistent with its very requirements"(Osiel 1997:65). With this criterion in mind he informs us that, "in recounting the tale of the crimes the Juntas had ordered, the obedience of their underlings, and the suffering of their victims, the military trials in Argentina told such liberal stories"(Osiel 1997:73).

This justification for the trial seems rather incapable of acknowledging those instances of excess, those other ways of speaking, which in their very "incapacity" to provide "evidence" signal us to what cannot be defined, described, discoursed within the vocabulary of liberal morality, or within legal protocol. To justify the commemorative lesson of the trial within the principles of institutional coherence, and within the grounds of liberal morality, necessarily totalizes one memory of the past over those excluded from the trial's performativity. Hence, those instances which contradict or complicate the desire to bracket the Argentine authoritarian ethos as an aberrant period are smothered by the conciliatory memory of "our" true and founding values in the law --"our" (imagined) liberal institutions, traditions, and norms. The other remains unrepresented and unrepresentable by a trial (by a form of collective memory) which is celebrated for its ability to tell "a larger story about the community, its history, and its evolving normative [liberal] commitments"(Osiel 1997:73). And yet the other remains. For quite obviously, the fragments and traces which unwork the certainties of a

"narrative that fosters discursive solidarity and liberal norms" can always be "read" through what remains. But this "reading" is never "simple", "transparent", or "intuitive", rather it is motivated by a recognition of the limits, gaps, and ruptures. This "reading" involves one in a process of "bearing witness" to those enunciations that cannot be represented by what "we" understand. Thus, when we "read" a narrative that claims to have disclosed a "truth" which "feeds public discussion and generates a collective consciousness"(Nino 1996:147), or when we "read" the trial as a mnemonic device for staging the principles of liberal morality (Osiel 1997), we realize that a *wrong* has been committed against the articulation of that which unworks the certainties of our vocabulary. In realizing that a *wrong* has been committed, that a narrative which aspires to synthesize the multiple discrepancies and voices into any "discursive solidarity", into any unifying project, does *violence* to the other, we are summoned or motivated by the spirit of "justice".

The work of Lyotard is quite useful in helping us develop a sense of what it means to "read" the ruptures and gaps, of what it means to "bear witness" to that which has not been given its "say in court". In the claims that *la historia* has been narrated, that the "crisis of national identity" has been resolved by the continuation of the founding values in the law, Lyotard would detect what he calls a *differend* :

As distinguished from a litigation, a differend would be a case of conflict between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments. One side's legitimacy does not imply the other's lack of legitimacy. However, applying a single rule of judgment to both in order to settle their differend as though it were merely litigation would wrong (at least) one of them (and both of them if neither side admits this rule) (Lyotard 1988:xi).

His project points to the crucial work of uncovering the tension in what has been repressed or supposedly resolved by representation. For a *differend* occurs when two

different ways of speaking come into representational conflict, the damage suffered by one of them cannot be signified, or argued within the regimen of the language that is supposed to "settle" the conflict. As we have seen the discursive regulations of the trial/legal-strategy were such that only one kind of voice, the "we" of the national reconciliation project, could be signified as "legitimate". The other –that which interrupts the conciliatory narrative– "is divested of the means to argue and becomes for that reason a victim"(Lyotard 1988:9). Subsumed under the rule of judgment imposed by the "we", the other is rendered unrepresentable. The *differend* activates and bears witness to this *wrong*, to what has been repressed or supposedly resolved within the claims of the trial. But if the other has no way to express itself, how can we come to recognize that indeed a *wrong* has been committed? Lyotard claims that we are affectively moved by an "unstable state and instant of language" which makes us recognize that "what remains to be phrased exceeds what they can presently phrase"(Lyotard 1988:13). By drawing attention to the excess of what is to be said, over what can presently be settled by any "official narrative", he bears witness to the *incommensurability* that exists between the "remains" of the other and the discursive confines of the the trial. Thus, the "reading" of the *differend* opens onto the limits, ruptures, and gaps inherent in any representational system, and so demands the respect for idioms which do not yet exist (Lyotard 1988:13).

"Reading" the limits, ruptures, and gaps does not imply "filling" them with a representation of the other. For the attempt to reconcile the other within the trial's form of representation would be to resolve the incommensurability of the other, the *differend*, into a simple problem of law that can be settled or repaired (as a litigation). This would patch-up the holes in the trial's narrative, paving the way for a new "we" that would reproduce further exclusions, limits and gaps. If the other is irreducible to the discursive confines of the trial, indeed to any regimen of language, then the attempt to represent the incommensurability of the other remains partial, and suspect of doing

violence. In order to avoid this, the *differend* summons us to respect that which has no possible presentation, that which is unrepresentable and therefore not related to our *present* faculty of understanding, to our *present* norms and conventions. This is not a call to establish an unrepresentable reality, but to "*read*" the unrepresentability of the unrepresentable as a means to recall the limits of our "self-subsistent present". This widens the ruptures and gaps in what is presentable in order to expose that the norms and conventions of the present are NOT a closed totality. In the context of "post-dirty war" Argentina, where the "official narratives" and the ensuing pardons effectively seals off the past event from the present, the need to disrupt the self-enclosure of the present is a pressing matter. In what follows, I wish to expand on the need for activating, or bearing witness to the limits of a "self-subsistent present".

After the Facts, *What else is there to know?*

Given the context of post-dictatorship Argentina the need to disrupt the self-enclosure of the present (through a reading of the limits of what is claimed as knowledge) is a pressing matter. For today in Argentina (more often than not) the present remembers to forget the past.¹⁶ There is a general danger in Argentina of not

¹⁶ Unfortunately Argentina is not only inclined to forget the past, but, as Jaime Malamud-Goti discusses, there are "present indicators that the populace is ready to elect authoritarian rulers and acquiesce again to police brutality. A new campaign of police abuse has met with little public reaction, and in 1991 elections, candidates representing extremely authoritarian views had an astonishing appeal" (Malamud-Goti 1995:160). In relation to this he goes on to cite an article from *Pagina 12*, (16.Aug. 1991:7) which reports that "military officers running for provincial governorships and seats in the lower house captured a substantial portion of the electorate. What made this striking was that their appeal was not diminished but rather highlighted by the fact that these candidates had either represented the repressive military dictatorship in the same jurisdictions where they where running in 1991, or had stood up against the elected government of Alfonsin to have the trials (against the military junta) terminated" (See: Jaime Malamud-Goti 1995). A recent investigation in the leading news weekly *Noticias*, reveals another way in which those associated with the former military repression are once again offering their "services" to society; "Argentina's most successful security firms are being run by men who are featured in the Disappeared Person Commission report as key figures in the Argentine navy's former intelligence unit. (The navy was known as the dictatorship's most brutal force, and was recently revealed to have thrown hundreds of live prisoners from airplanes.) As Argentina's liberalized economy is accompanied by economic polarization and growing crime, 'the unstable climate has given these dictatorship strongmen the perfect opportunity to privatize their experience,' explained Maria Caeati of the human-rights research group CELS. 'Security firms use ex-torturers because they have the experience to execute their tasks with more rigour and conviction than anyone.'" Reported in: *The Globe and Mail*, 28 February, 1997:A11. Although the military has greatly diminished its activities in

only forgetting the ongoing work that is needed to challenge the authoritarian legacy which still dwells in its institutions, but there is also the peril of forgetting the obligation that is still due to the unburied remains. This danger is present not because the state has failed to produce representations and validations (knowledge) of the past, but ironically because the state (or anyone else for that matter) can use these former representations as a way of suggesting that the nation has already sufficiently come to terms with its past. Through the *National Commission on the Disappeared* (CONADEP) and through the trial of the former dictatorship it officially *appears* as if the nation has already faced its problems, established reconciliation, and can now "turn the page". Writing about how truth commissions face the violent past (although taking his argument into a very different direction than mine), Michael Ignatief writes, "the societies in question used the truth commissions [and I would add here the trial in Argentina] to indulge in the illusion that they had put the past behind them. The truth commissions allowed exactly the kind of false reconciliation with the past they had been expressly created to forestall"(Ignatief 1996:112). Anyone who would claim that past injustices have been finally explored, catalogued, and dealt with once and for all, would surely pass a type of death sentence on them. In other words, to believe that the past has been legitimately represented implies "finishing off" the past's claims on the present. This would close off any ethical-consideration with that which exceeds or might be excluded from the present empire of knowledge. In this sense, history is ossified within the norms and

the public sphere its conceptual authoritarian framework still influences various institutions. *The Globe and Mail* cites a CELS calculation which reveals that "a 60-per-cent rise in civilian deaths caused by police violence... [and this is] just from reports in the local press in 1995. The pressure of rising crime rates on police has exposed chaos in the ranks, poor training, lack of control over officers and prevailing militaristic attitudes within the police force toward law enforcement. (...) CELS insists that today, in a police institution which used to be under military command, it is still accepted to fill prison cells and to punish criminals with beatings, torture and even death. Even President Carlos Menem justified the harsh action against the student body in the La Plata demonstration, which he said was infiltrated by "activists," "subversives" and "Trotskyists." Buenos Aires provincial police chief Pedro Klodczyk added that anyone taking part in the demonstration was looking for trouble. (...) As the role of the army in Argentine society diminishes, "strongman" values are finding a new home in the police force." Reported in: *The Globe and Mail*, 12 March, 1996:A10.

conventions of the present. Since it could very well be then, that pasts which exceed or inconvenience the present would have no recognition in this scheme.

Official state discourse has exerted a particularly displacing force on the call for memory and justice as it often invokes Argentines to "forgive and forget". On October of 1989, Argentine President Carlos Menem began to issue blanket pardons to military officers who were convicted of murder and other criminal offenses in the military's "dirty war". Only seven of the most infamous "dirty war" criminals remained imprisoned. Disregarding considerable international and domestic protest Menem conferred a second set of pardons freeing all of the seven "dirty war" criminals by the end of 1990. Abroad and at home he repeatedly claimed that the pardons were propagated as acts of national reconciliation, as a gesture to lay the past to rest and address the more pressing concerns of the present: He explained that "Argentina lived through a dirty war, but the *war* is over. The pardons will definitely *close* a sad and black *stage* of Argentine history"(cited in Taylor 1997:14 my emphasis).¹⁷ Amidst a civil society that is enfeebled by the pardoning of the perpetrators of the "dirty war", and that continues to be intimidated by military posturings,¹⁸ Menem relentlessly

¹⁷ Alberto Manguel reports that, "the need to "carry on", the need to "reconcile differences", the need to "allow the economy to flourish once again" have all been invoked by Menem as good reasons for forgiving and forgetting." Alberto Manguel, "Memory and Forgetting," *Index* , Vol. 25 No. 5 (1996):130. In relation to this issue see: "Argentina Under Menem: The Aesthetics of Domination," *NACLA Report*, Vol. 28 (Sept./Oct. 1994):33-37; "Menem's Praise of Military Provokes Outcry," *NACLA Report*, Vol. 28 (Jan./Feb. 1995):43. Citing the work of James Petras and Steve Vieux ("The Transition to Authoritarian Electoral Regimes in Latin America", *Latin American Perspectives* 21, 4.83 (1994):5-20), Diana Taylor tells us that Argentine post-dictatorship period, especially under Menem, "embarked on a trajectory of... electoral neoauthoritarianism." She continues, "the 'democracy' functioned within the same authoritarian institutional framework set up by the military and pursued many of the same political policies. In 1992, Menem warned students and other protesters that the danger of violent politics was not over and threatened that the "exaggerated use of liberty" could lead to a new wave of "subversion" and "another contingent of the Plaza de Mayo demanding their children"(Taylor 1997:15).

¹⁸ An investigation into the July 18, 1994 bombing of a Buenos Aires Jewish center (where 86 people died) has turned up evidence that implicates the Argentine military with the attack. Reported in: *The Toronto Star*, 2 December, 1995:A25. Three years after the incident (July 1997) weekly protests are still held in front of the Buenos Aires Law Courts as the political will to prosecute those responsible remains wanting. As Ivan Briscoe reports, "the highest rungs of government have displayed a grand indifference to the bomb: President Carlos Menem has never visited the bomb-site or met with families of the victims. His ministers, rarely make mention of the case." See: "Justice Without Scales," in *Buenos Aires Herald: Weekly on Line*, 21-27 July 1997. "Despite public protest and constant media

persists in undermining any attempt at establishing public memories of the disappeared. Yet, over the past few years a curious phenomenon surfaced in Argentina. Former military executioners and torturers have come forward to confess publicly (usually to reporters) about their involvement in state sanctioned atrocities. Of course when this happens it opens up issues that were supposed to have been settled and closed off from the present's attention.¹⁹ On April of 1995, Menem advised former military torturers and executioners not to "rub salt in old wounds" by publicly recounting their deeds, but instead to confess their actions (if they so felt obliged) privately to priests (*Globe and Mail*, 6 April, 1995:A1). This is a clear example of how pasts which cannot be reconciliated become privatized and particularized, stored at the margins of the "national" and denied a fully public voice (Alonso 1994:389).

coverage, 81 per cent of Argentines don't believe the case will ever be solved, polls say. More than 70 per cent don't believe in the independence of the judge in the case, nor in Mr. Menem's desire to find the killers. "Reported in: *The Globe and Mail*, 22 March, 1997:A16.

¹⁹ The "confession" of retired navy officer Francisco Scilingo (the first and most detailed account that dismisses the military's claim that there was a justified and legitimate "war" against another army – leftist guerrillas) is the most infamous one. See: "The Triumph of Memory," *NACLA Report*, V.29 (Nov./Dec. '95:10-12). His confessions which were performed in a series of interviews with Horacio Verbitsky (Argentina's best-known investigative journalist) have been assembled in a book, see: Horacio Verbitsky's *The Flight: Confessions of an Argentine Dirty Warrior*, Esther Allen, trans., New York: New Press, 1996.

Diana Taylor remains quite skeptical of the pedagogical value of these confessions. Although admitting that these public accounts might have the positive effect of informing or contradicting those Argentines "who have clung to denial and deniability", she nevertheless (rhetorically) asks: "what do viewers and readers learn from these accounts, except that human brutality knows no bounds and that these tormentors got away with murder? What does the public learn, or even want, from these 'confessions'? Will anyone be held responsible? Will ordinary people begin to speak about their own role in the scenario? Or will the disappeared once again be exposed, this time to sell newspapers and boost ratings?" (...) So, while I 'see' the show of atonement, I don't buy it. I don't trust that the brutal repercussions of civil disputes will be 'over' until the conceptual frameworks that 'disappear' the feminine/feminized other in the name of male bonding and community building also 'disappear'" (Taylor 1997:256-257). I concur with the sentiment of these claims, especially her observation of the still-in-place authoritarian framework; yet, it is still important to note how these confessions potentially reopen questions that are "officially" settled. I write potentially because it is not at all certain –as Taylor implies-- if these confessions succeed in getting people to question the broad implications of the deep rooted authoritarian ethos in Argentine society. Nevertheless the confessions do provide an opportunity for talking about what is supposed to be forgotten. In 1995 *The Globe and Mail* reported that, "After years of avoiding the issue, Argentines are talking with passion these days --to friends, to foreigners, to reporters, to just about anyone who will listen --about how to confront the legacy [of repression]. ...Mrs. Catarella said that she and Mr. Quesada, who have been dating for two years, had never discussed the dirty war until the account of the retired naval officer, Adolfo Scilingo, appeared last month in the Argentine press. For the first time, she told Mr. Quesada that her brother had been arrested in 1977 and had never returned." Reported in: *The Globe and Mail*, 6 April, 1995:A1.

No doubt encouraged by gestures such as these many Argentines have retreated once again into the "private sphere", making it easier to ignore any calls that are before and beyond the present.²⁰ After a decade of "coming to terms with the past", public discourse in Argentina seems to be gripped within the technically narrow economic issues of the present. In recent times there is an "obsession" with the issue of "making it", to succeed in attaining economic gain over others by one's own devices: as an analysis on current "public discourse" reveals: "Argentines show a strong orientation to personal achievement...defined more precisely as dispositions geared toward obtaining personal well-being by means of impregnated individualism"(Catterberg 1991:11). For many Argentines "democracy" has come to imply (over and above any other concerns) a means for "individual material gains"; between 1984 and 1988 (at the height of the "redemocratization process") public opinion on "respect for minorities" and "democratic tolerance", reflected a "regression to pretransition levels...which led to levels even lower than those observed in pretransition years"(Catterberg 1991:110n.1). These findings suggest that respect for other voices (after a period of "disappearing differences") has not been brought about by the rituals of "coming to terms with the past" via the verifications of the "facts" through legal or quasilegal accountability.

Obviously the success of "redemocratization" depends on reconstructing the public sphere, --a process that surpasses mere economic or technical concerns. With regards to this matter Elizabeth Jelin notes that:

²⁰ There is a tendency in Argentina towards an attitude of "presentism" which dangerously avoids any introspection that might be unfamiliar, or inconvenient to the needs of the present. A *Globe and Mail* article, which is weaved with fragments of different conversations that surfaced in Buenos Aires after the confessions of former navy commander Adolfo Francisco Scilingo, provides us with a glimpse into this attitude of "presentism": "Mr. Quesada ...remarked that 'it was "time for Argentines to stop obsessing over events that are done and over.'(...) Mr. Fara, 32, said that while he sympathized [with his cousin who is still upset and talks about the 'disappearance' of her mother] he felt that [she] was 'a bitter person who cannot enjoy life until she learns to let go of the past. This is the mentality that prevents this country from progressing.'" Reported in: *The Globe and Mail*, 6 April, 1995:A1. Antonio Elio Brailovsky suggests that the attitude of "presentism" is one of the unfortunate consequences (accomplishments) which the military dictatorship managed to install. He writes, "I want to stress that the last dictatorship's objective was to change the form of the country, to carry us to the Argentina which we inhabit today: economically smaller, politically more conformist, and socially more unjust"(foreword to Mellibovsky 1997:iv).

those that seek to "heal society's wounds and conflicts through forgetfulness and "reconciliation," concentrating their efforts on the economic and political urgencies of the present and trying to look toward the future without a past are confronted by ... [those who] devote [their] efforts to activating memory, promoting recall, pointing out which events have to be retained and transmitted. The goal goes beyond setting up historical archives; it is a political and ideological task that stems from identifying remembrance with the construction of a political culture (Jelin 1994:50).

Overcoming the precarious state of Argentine "post-pardon" civil society will depend on the possibility of looking beyond the present's reification of itself. That is, it will depend upon being able to "read" the limits of the present's values and norms, so that it exposes a beyond to it. For if the ideality/memory of a "beyond to the present" is subsumed/ossified in the present actuality (the "post-pardon", privatized and particularized Argentina), the *oblivion* of both the public sphere and the recognition of the other is imminent. With this in mind I want to now consider a "public slogan" which many of those working to overcome the self-enclosure of the present have come to identify with. My purpose here is not to provide a literal translation of how this slogan was/is utilized by those working against *oblivion*, but rather to read the slogan as activating and bearing witness to the limits, ruptures and gaps in the present.

A Memory of Justice:

The slogan *Ni olvido ni perdon* (Neither oblivion nor pardon) calls on the present to vindicate the victims of the "dirty war". But to the extent that the call is against oblivion there is the indelible trace of a redemptive possibility. (In what follows I want to consider the first part of this phrase: the work against oblivion.) The call aims not simply to preserve, register, or reinscribe the disappeared but also to recall for *that yet to come*. Against oblivion it demands a "living narration" —a resuscitation of

memory that simultaneously honors the disappeared and promises *Nunca Mas!* But because this *Never* has never arrived and all we have is the *Again* again, the promise can only be to the future. Since the blindness of "the present" to its responsibility to the past, and to its own injustice(s) are astounding, the promise exists as a self-perpetuating occasion; forever unassimilated to the norms of "the present", it is able to convoke and inform us of a transformative possibility for justice. But this promise to the future also works in the present by calling into question the notion of a self-subsistent present that remains immanent to itself. In other words, the promise, which has never been fully embodied in the pronouncements of the norms and conventions of Argentina (past and present), reminds the present that within it are traces of the other, the "remains" that the established norms and conventions excludes and disappear.

If we return to the slogan --*Ni olvido ni perdon*-- with the above in mind, a tension surfaces in the attempt to conjoin the two demands for justice. For whereas the work against oblivion resists the self-enclosure of the present, the second part of the slogan --*ni perdon*, the institutional work for punishing the guilty-- implies a strategy that cannot point beyond the norms and conventions of the present. The strategy, as we have seen, is inevitably confined as it adheres to the procedural peculiarities and stringent evidential rules of relevance and admissibility that pertain not only to the institution of law, but to prudential political considerations. Clearly, this is a strategy that is so anchored in the instrumental politics of the present, that to speak of an ideal that transcends the norms and conventions embodied in the laws of the actual would stutter the logic of the case. But to stutter at this moment might silence the possibilities of the moment. For when we remind ourselves that the trial was the first time that a Latin American democracy brought to trial (through the rule of law) its military predecessors for violating human rights, we can come to appreciate the necessity to seize this opportunity and "speak clearly" --to produce, however limited, a case which can conform to a certain regime of truth and rationality.

But to produce a case within the norms of the law obviously implies that the call of the past event (which cannot be fully re-cognized or re-presented) will be condensed into juridical form. For if the case cannot be signified within the language of this form, it will be declared as being inadmissible --a vernacular. What we have here then --once again adapting Peter Goodrich to this case-- is the demand for the "vernacular" to efface itself, so as to make way for a "strategic narrative" (the case) that can develop and position itself in relation to the constraints and opportunities made available by the juridical form. Now, given such a demand, how can the work against oblivion, which speaks in the "vernacular" about a beyond to the present, sit with the legal strategy in mutual codetermination? Does not the tension between these two phrases of justice point to an *unresolvable* project?

The attempt to "resolve" these questions have led some to claim that we should abandon the first part of the phrase (as irrational) and privilege the possibility of reconciliation that is offered by the institution of law. Elizabeth Jelin ends up exemplifying this type of "resolution", albeit indirectly, when she attempts to demarcate a fixed border between the work against oblivion (as pathological), and the institutional work of establishing human rights (Jelin 1994:52). This rigid demarcation actually winds up draining the reflexive force that is afforded by what is other to the present. Assuming there to be fundamental incongruities between political logic and the logic of mourning (memory which leads to revenge) Jelin claims that:

Politics would begin where revenge ends. The demands of politics (in [ancient] Greece and everywhere else?) imply the prohibition of recalling misfortunes and the promise (or the vow) not to remember them --a pledge to forget not only the malice of others but also one's own rage, so that the life-sustaining bonds of the [polis] can be reestablished (Jelin 1994:52).

Clearly the privileging of the polis, in this way, does not allow for the recognition of what is other (rage) to it. For if we have to forget that which threatens the polis, the past will only be understood in terms of that which justifies the existing norms and conventions of the polis/present, hence according the past no respect as other. In this formulation, the transmission of politics/memory takes place only if it does not challenge the fundamentals of the polis/present. As Jelin states, "as long as remembrance is inspired by rage, it contradicts the political premises on which institutional memory is grounded"(Jelin 1994:53). Outside of the confines of the polis/present there can be no transmission of politics/memory; there is only the pathological order of revenge/rage. Although in looking at the past we are engaged in the process of constructing its meaning, in this scheme our recognition of the past is narcissistic: when we look at the past, we recognize and legitimize only our present institutional norms.²¹

I want to suggest that if we are to avoid the problematics of establishing a self-subsistent present, we should refrain from attempting to resolve the tension between these two demands for justice. For to resolve the tension is to demand for one past to proliferate within the polis, without exclusion; that is, to resolve the tension would be to establish a place where everyone remembers the same past, but only at the expense of becoming oblivious, of forgetting the "rage" that puts into question the bonds of the polis. For the language of "rage" itself can work as a critical force that opens the claims and settlements of the law through the recognition of its own lack. Indeed, the accent of "rage" can burst through the present and remind us of what was left behind on the way to the "truth": that justice itself is incomplete, and that justice can only be a promise to remember what was never a presence. Thus, rather than attempt to bury the incongruities inherent in this slogan (by demarcating a fixed border between the two

²¹ This mirroring self-enclosure would, as Drucilla Cornell points out in her critique of Hegel, reduce "the Other to the synchronization of self and other that denies the otherness of the other" (Cornell 1992:66).

phrases, or any other means) we should, following Lyotard, recognize the tension between the two calls as a *differend*: that "...unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be"(Lyotard 1988:13). To see this tension --between what remains to be expressed and the idiom that is supposed to be common to all-- is to recognize that the framework of political representation is constituted against an excluded other, that cannot yet be phrased. Hence, the tension opens up the points at which the framework of political representation (the present/polis) performs a victimization (Lyotard 1988:8). Following Drucilla Cornell, this is to recognize the "violent" nonethical opening of law: that law exists on the representational ruins of the other.²²

For those working to reconstruct the public sphere in a post-trauma Argentina -- who will inevitably face a social climate of "presentism", excessive legalism, and the bracketing of any discussion of the authoritarian ethos in Argentine nationalism-- it becomes crucial to have the reflexive vision that proceeds from the concern to "do justice" to the other, to that which no longer speaks in the present. If juridical institutional work remains relevant as a partial means and corrective for addressing human rights abuses, it is also the case that its self-enclosure in the present's norms and conventions lends legitimacy to the project of national reconciliation. As we have seen, this proves to be problematic, as the regime of "jurisdiction" and "veridiction" attempts to produce a narrative that reconciles a unified and totalized "we", it marginalizes or excludes the other --those that fail to speak in the voice of the "we". The danger for those engaged in juridical institutional work would be in denying this exclusionary violence: in seeing the monumental narrative of the "dirty war" as a "disclosure", or as the last (official) word on the event, and in forgetting that there are remains (or a

²² See: Cornell 1992, chapter six, "The Violence of the Masquerade: Law Dressed Up as Justice," pp.155-169.

beyond) to the vocabulary and values of the "we". Because the slogan is both inscribed in the immanence of the present and in a beyond to this present, it provides a model to guard against this danger. In simultaneously working with what is in the present (with actual institutional frames) and that which is not here/represented, it opens/reminds the present to what it excludes, to what cannot yet be phrased.

Chapter Three

Writing From An Other Imperative

One *must*, certainly, inscribe in words, in images. One cannot escape the necessity of representing. It would be sin itself to believe oneself safe and sound. But it is one thing to do it in view of saving memory, and quite another to try to preserve the remainder, the unforgettable forgotten, in writing. (Lyotard 1990:26)

The writing of history is as inevitably precarious as it is inherently indispensable/obligatory. There is an apparent "soundness" to the pedagogical call to write, to transmit the event in order to "never forget". The writing of a traumatic historical event through criminal prosecution aspires, as Diane Orentlicher reveals, to be "the most effective insurance against future repression. By laying bare the truth about violations of the past and condemning them, prosecutions can deter potential lawbreakers and inoculate the public against future temptation to be complicit in state-sponsored violence"(Orentlicher 1991:2542). In as much as this public process depends on the *memory* of the event as a deterrence, or for "asserting legal rights or officially stigmatizing their violation", criminal trials "become secular rituals of commemoration"(Osiel 1997:6). Osiel continues, "law-related activities of this sort contribute to the kind of social solidarity that is enhanced by shared historical memory. In the last half century, criminal law has increasingly been used in several societies with a view to teaching a particular interpretation of the country's history, one expected to have a salubrious impact on its solidarity"(Osiel 1997:6). But this aspiration, and certainly the implied "salubrious" commemorative lesson, are, as I have shown, complexly and problematically imbricated with the norms and desires of the present.

The apparent "soundness" of the need to write and transmit the event, through legal commemoration, needs to be complicated.

But I need to be more precise here. For writing and transmitting the event through the law is not merely a means of remembering (or forgetting) what is (in)convenient for this present time, it is also a powerful (therapeutic) way of assuaging that which ruptures and breaks the *continuity* of "our" institutions, traditions, norms and ways of saying. Assuaging the abject, by repairing and continuing to retell the event through "our" moral and legal standards, reconciles and shelters the vocabulary of the "we" from confronting the limits of its (burial) ground: the remains which can never be buried nor sown into "our" ground. Writing the event through the vocabulary of the rule of law relies then on the comfortable assurance of a transmission/translation, of a way of understanding, without loss, without leaving one's ground; that is, it relies on the possibility of still transmitting, applying, and making sense of the event through the *continuity* of "our" terms. The ways in which the event confronts, shatters and pleads us beyond "our" self-understanding (the call of a revenant question which surfaces in the grounds of the "we") is subsumed by the concern and aspiration to continue telling and cultivating "a national narrative that can effectively foster discursive solidarity and liberal memory"(Osiel 1997:283). The law tends "our" soil in order to transmit "our" memory (tradition). It works with a mnemonic device for sowing and retelling the "principles of liberal morality"(Osiel 1997:3).

Although critically aware of the "smoke and mirrors... [and the] self-conscious dramaturgy by prosecutors and judges"(Osiel 1997:7), Osiel is nevertheless explicit about the tradition and ends which must be served by the law's performance (writing). He states, "...it is not too much to hope that courts in [a post trauma society] might make full use of the public spotlight trained upon them at such times to stimulate democratic deliberation about the merits and meaning of liberal principles. ...[Such] trials must be conducted with this pedagogical purpose in mind"(Osiel 1997:300,2). I

agree with Osiel when he notes that in a post trauma society the telling and retelling of stories play a vital role in its (re)construction. But, unlike Osiel, I am interested in how this apparently "sound" claim becomes problematic (performs a *wrong* in the Lyotardian sense) when it metonymically evokes a telling (a continuity) which reifies and instantiates the norms and conventions of the "we". Although not simply endorsing tellings and retellings as benign or neutral, Osiel nevertheless ends up celebrating an intertextual framework that ultimately continues and preserves the liberal story (read the tradition of the "we"). Referring to the trial of the military in Argentina he solemnly observes that "[t]he story of the litigants and their immediate dispute is thereby woven into a larger story about the community, its history, and its evolving normative commitments. (...) In recounting the tale of the crimes the Juntas had ordered, the obedience of their underlings, and the suffering of their victims, the military trials in Argentina told such liberal stories"(Osiel 1997:73). To the extent that the work of the law is able to harvest the interpretative tradition of liberal stories it can, according to this scheme, be judged as nourishing the "good" of the community.

But this notion of the "good", which depends on weaving retellings into "a larger story" that unfolds a normative teleos, always risks, as I pointed out in the last chapter, excluding the saying of what cannot be said. Seeking to overcome this inevitable ethical risk (limit) Osiel simply proposes that, "[i]ndividuals who seek to inject their personal stories into the public realm --stories at odds with currently prevailing official narratives-- are free to invoke the law to that end, that is, in a liberal society"(Osiel 1997:263). This faith in liberal representation blatantly ignores those who do not share in the legal harvest, those who were actually maimed or struck down by the reaping-hook: those who provide no "evidence" in a court of law, those who cannot "inject their personal stories" into a descriptive/cognitive economy, those who are not "free to invoke the law", those who cannot evoke their stories through the rigid

framework of "individual rights", those who can only offer the "vernacular" or silence as evidence --all those remain irreconcilably outside of this liberal story.

In order to confront the above (ethical) problematic I proposed, through Lyotard, to read the differends. To rephrase it for the purpose of this chapter, a reading of this kind alerts us to what is lost, or to what remains in the margin of any writing of the event that evokes the metonymies of a normative tradition. But, in this chapter I want to be a bit more precise about what this reading implies for writing; hence, I ask, what does this reading of the limits transmit? If this reading seeks to point out that which exceeds our vocabulary, that which cannot be accommodated by our normative terms, what is *being* transmitted here? As I pointed out in the last chapter, a reading of the limits is not concerned --primarily-- with recovering or representing the event. It seeks to work rather as a memory, as a residual process that *comes after* the (law's) writing of the event. But we have to admit that if this reading merely transmits a (negative) protocol for reading, it *seems* to fall short of registering a "living narration" of the event that can evoke, in this present and in subsequent generations, the relentless obligation to meet with and respond to the past. If the concern is to read in order to write the limits of writing the event --in other words, to head that which is un-presentable-- what could possibly motivate and engage us to take up such a task? For in order to engage with this task, in order to meet with and so feel obligated to the stories of this past, do we not need to begin our response/engagement in our immediate discursive reality? Does not our obligation to the past require us to draw out its significance for our time? For do we not have to start any lesson from where we are? For our obligations --it seems reasonable to assume-- can only be understood through our shared participation in the contextual contingency of our present language games. For surely we cannot become obligated to respond/engage with the past through an unmediated form. Surely then, the past requires a "contact point" with our present ways of saying. Is not then our concern with the other (the past) always already bound and

framed by the present mediation, by what we can understand and communicate through our present vocabulary? For without a medium that is intelligible and embedded in the present, the past risks not being understood, and so may remain alien and eventually forgotten.

But once this past becomes expressed as *our* concern, through our vocabulary, how can we preserve its difference from being cannibalized by the present? How can the alien be translated into our terms so that it engages and motivates us to respond to its difference? That is, how can we understand (overcome) difference in order to be changed/motivated by it?

Allow me to condense the above proposal: on the one hand, we require the past (the stories of the event) to be written (transmitted) in such a way that its difference may be overcome, in such a way that it evokes --following Osiel-- our metonymic tellings (our understanding), so that it may resonate, or make a "contact point" with our present; on the other hand, if we are concerned with responding to the past as a means of changing or motivating the present, we must preserve its difference, for that difference is what bursts open (defers) any self-enclosed present. This conundrum, which plagues historiography, has been a concern which Gadamerian hermeneutics has attempted to address. As a process that seeks to transmit the past into the present, in order to preserve the difference of the past while simultaneously generating an understanding that conforms and expands the vocabulary of the present, hermeneutics appears to offer a thorough lesson to our concern for writing the event. But the hermeneutical response --as I will unfold-- is ultimately concerned with transmitting the past (the alien) into the present so that a *shared* understanding (tradition) can be *continued* and expanded. Much like Osiel's pedagogical concern to preserve and transmit "our" liberal stories through the law, Gadamerian hermeneutics seeks the continuity of "our" tradition through the preservation and transmission of the genres

(laws) of interpretation and understanding. What are the ethical consequences of this proposal?

In what follows, I will attempt to work through and consider the indelible limits that face those who interpret and write the event primarily as a means for facilitating a shared lesson, understanding, or a discursive solidarity within the cover of "our" morality. This initially will be a "philosophical" exploration which will stage thought thinking the limits of its thinking as it moves from ontology to ethics. By thus rehearsing the limits of the hermeneutical proposal, I will be attempting to expose the ethical necessity for writing to bear witness to an exterior point, to an alien imperative, that is beyond meaning, understanding, or anything that we might share in common. Although my argument is rhetorically staged in a non-descriptive form, it nevertheless is written with the concern for a specific set of problematics which face the particular material site of post trauma Argentina. (The problematics of the previous chapter should be kept in mind here.) But, eventually, by the last part of this chapter, the materiality of what is at stake for a writing that bears and bears witness to that which cannot be woven into the folds of a self-recapitulative history or morality, will become apparent. The discussion is divided into five sections: [i] a consideration of what it means to link onto or make a comment upon texts that command us to think beyond our present understanding; [ii] an account of what Gadamerian hermeneutics proposes for transmitting the past as one of the shared concerns of the present; [iii] a consideration of what the (ethical) implications might be for a way of writing which comes before a Law that commands and defers beyond meaning or any shared understanding; [iv] a rhetorical attempt to expose and confound the constitutive liberal trope of the "we" with that which haunts and tears its ground; and [v] an example of a writing which bears "negative witness", which cites that which provokes thought to become vulnerable to another (forgotten) imperative.

In order to walk somewhat less perplexed into the mire of historical transmission, I will begin by making use of the model of the annotation; that is, I will explore the problematics of writing the event as an issue of annotation. Conceivably the model of the annotation will allow me to stress and explore the issues of linking and transmitting that are also of concern to retellings and historiography. Hence, rather than attempt to separate and catalogue what is particular to "story telling" and "historical telling", I propose to read and treat them all as annotations. The annotation as a process of writing, stitching, glossing, while simultaneously extending, renewing and perpetuating the text (which is always in the past and so other to the present), appears to be an apt image of what the writing of an event resembles. In as much as the model of the annotation always already implies its "secondary position", its dependence on an other text, its reliance on citing and cutting from a larger and previous piece, it will allow us to keep in mind what is inevitably involved in any act of transmission.

The tribunal whose idiom is the genre of discourse which is cognition, which therefore admits only descriptive phrases with cognitive value as acceptable, asks of the one who claims an obligation: which is the authority that obligates you...? The obligated one is caught in a dilemma: either he or she names the addressor of the law and exposes the authority and sense of the law, and then he or she ceases to be obligated solely by the mere fact that the law, thus rendered intelligible to cognition, becomes an object of discussion and loses its obligatory value. Or else, he or she recognizes that this value cannot be explicated, that he or she cannot phrase in the place of the law, and then this tribunal cannot admit that the law obligates him or her since the law is without reason and is therefore arbitrary. In the idiom of cognition, either the law is reasonable, and it does not obligate, since it convinces; or else, it is not reasonable, and it does not obligate, since it constrains. This tribunal requires that the obligatory be only that which the obligated one can reasonably account for in argumentation. It therefore supposes that I can occupy the place of the addressor of prescriptions, that I can "assume" them. They are obligatory because I can understand their sense and explain it to the tribunal. (...) Through this dilemma, the family of cognitive phrases annexes the family of prescriptive phrases, the I effaces the you. (Lyotard 1988:117)

[T]he woman was testifying not to the number of the chimneys blown up but something else, the reality of an unimaginable occurrence. One chimney blown up in Auschwitz was as incredible as four. The number mattered less than the fact of the occurrence. The woman testified to an event that broke the frame of Auschwitz, where Jewish armed revolts just didn't happen, and had no place. She testified to the breakage of a framework. That was historical truth. (...) [K]nowledge in testimony is not simply a factual given that is reproduced and replicated by the testifier, but a genuine advent, an event in its own right. (Laub 1992:60, 62)

[i]

Linking Onto the Scandal:

Testimonies that tell of historical trauma often *command* us to have "faith" in what is not present, in that which is unseen and exceeds our understanding. Because these testimonies speak about that which has not been (or cannot be) adequately understood or referred to, it would be unjust if we were to link onto their claims in

order to evaluate the extent to which they satisfy "truth conditions". For any attempt to make them subject to a process of verification before a "tribunal of knowledge", which admits only descriptive sentences of cognitive value, would subsume these testimonies into a quotation, a secondary discourse that would annul the command to think beyond our present understanding. The temptation for the present to take hold of itself again by understanding what unsettles it, by demanding an explanation, by linking questions of "reality" and "truth" with that which speaks in an other way is, according to Lyotard, always a "possible inevitable temptation"¹ that is available to the addressee (to those that hear the testimony and attempt to link or comment on it). But this possible commentary "cannot annul the event, it can only tame and master it, thereby disregarding [*forgetting*] ...the other" (Lyotard 1988:163-4). The event (the testimony) remains of course, but the "inevitable temptation" for the addressee to close its vulnerability to the other by turning the testimony into an object of/for knowledge, accomplishes to efface, not the testimony, but, the *command* to think beyond the present understanding. Hence a testimony is forgotten, not necessarily because its content does not get heard or represented, but because a linking (or a commentary) forms, in which the "scandal of the other", that which obliges the addressee to think beyond itself, to make itself vulnerable to difference, comes to be contained in a cognitive set of "qualities" which the addressee "grasps" in order to call itself back to itself (the same).

Obviously then, concerning ourselves with how we comment or link onto testimonies is a serious ethical activity that allows us to question the ways in which "meanings" are created or contained in the complex social process of historical

¹ It is worth noting the full force of Lyotard's ethical point here: "An addressor appears whose addressee I am, and whom I know nothing, except that he or she situates me upon the addressee instance. The violence of the revelation is in the ego's expulsion from the addressor instance, from which it managed its work of enjoyment, power, and cognition. It is the scandal of an I displaced onto the you instance. The I turned you tries to repossess itself through the understanding of what dispossesses it. Another phrase is formed, in which the I returns in the addressor's situation, in order to legitimate or to reject – it doesn't matter which-- the scandal of the other's phrase and of its own dispossession. *This new phrase is always possible, like an inevitable temptation. But it cannot annul the event, it can only tame and master it, thereby disregarding [*forgetting*] the transcendence of the other* " (Lyotard 1988:110-111 emphasis mine).

transmission. This is an urgent task when we consider, as the problematic unfolded above suggests, that there is an "inevitable temptation" to mend the ruptures of our "traditional interpretive instruments" by reconciling the command of the other, which pleads us to think beyond the present, within a commentary or a linking that demands a cognitive presentation (a presentation within the same). What is at stake here is how to resist this "inevitable temptation", how to respect the disjunction between our present understanding and that which continually points to our own inability to decipher or determine any "graspable" meaning. What this suggests, of course, is that our endeavours in linking, commenting, or annotating testimonies should avoid those attempts to fill or patch up the holes in our frames of understanding and interpretation, and instead heed the retrieval of difference, which, in always already deferring the present (understanding), comes to provide the condition for the possibility of transmitting an other history. But how can we link onto that which continually calls out our limits and stages our epistemological blind spots? What would it mean to annotate (to write as history) that which exposes our lack in understanding and interpretation? Does not the possibility of the annotation break down at this point? For does not the annotation necessarily assume the will to define, maintain, understand and hence transmit an event/text as knowledge?

The Genre of the Annotation:

Although wanting to talk about the possibility of annotating as a potential ethical endeavour, as a linking that respects the words of the other beyond our present frames of understanding, I realize that this gesture towards a differential (as opposed to assimilative) transmission comes before the law. In wanting to posit the possibility of an annotation which attempts to resist the "inevitable temptation" to link the other within the same, I inevitably bump against the genre (the laws) of the annotation. Although I want to talk about the annotation in an other way, I must first note the present fact that

the annotation is an historical institution brought into being and governed by the laws of its genre (Derrida, 1991:196).

The genre, as a set of laws for transmitting knowledge or information, inevitably relates to many of the dominant traditions/institutions (laws) of interpretation. Its function, at one level, is economic: by transmitting/posting a reading/writing within the institutional borders, it seeks to stabilize the possibilities of interpretation. In this sense, the genre binds the annotation to the text in terms of a "tradition": that is, in terms of a historically mediated form of understanding that shapes and constrains the possible protocols for determining meaning. Although the annotator may certainly revamp and alter textual meanings, he does so only within the genre of an already mediated protocol that enables his revisioning to be understood. Meaning is thus always situated within a genre: an historically constituted and transmitted institution that is actually a tradition of commentators and annotators.

Notice here that the genre, as an institution for interpreting or transmitting texts, is not based on a timeless and unmediated (pre-discursive) form. On the contrary, because the genre is reproduced within a tradition of commentators and annotators who stand in history and speak in language, it is historical and linguistic. Rather than being the foundation for meaning, the genre is a function of tradition, which itself is conditioned on the possibility of transmitting and fusing past commentaries with the present. So in as much as the genre binds and conditions the annotator, at one level, the annotator re-binds and re-conditions the genre at another. For the annotation is not a "passive", "benign mediation", but an "active transmission" that constantly renews the works of the past as present.² The annotator thus reproduces the genre by linking past

² Ralph Hanna III takes issue with those rhetorical rules that require the annotator to avoid interpretation, or the imposition of his being onto the text. He claims that these rules consequently give way to the dismemberment of the annotator from the annotation: "twentieth-century annotators are completely removed from the text page (reduced merely to textual evidence) and are required to fragment their activities into tasks presented as rhetorically discrete, so that they can never appear whole consciousness in touch with the text. But... this rhetorical prescription seems to me merely an expression of guilty knowledge, a way of allowing annotation to proceed as a form of benign mediation, a service profession, which it is not" (Hanna, 1991:180-181).

and present meanings: by the "activation" of past and present presumptions into the fusion of a shared understanding. In this way, "...the annotator ... presents a reading that create(s) the acceptable range of conversation within the group he supposedly serves"(Hanna, 1991:184). The work of the annotator then makes the continuity and self-understanding of a tradition possible, while at the same time fusing the text within the "present living actuality". For the text is not transmitted just to be historically footnoted, but to be "concretized" through interpretation in its current validity.

I have of course been reworking the genre of the annotation within a hermeneutical scheme that simultaneously acknowledges the *constrained* nature and *creative* character of interpretation/transmission. As a process of interpretation and transmission that works for the preservation and generation of meaning, hermeneutics promises much to the annotator, to those who seek to write/transmit the text/event into history. Indeed its concerns with the possibility of continuity and understanding seems to reflect and conform with the laws of annotation: which are namely to define, maintain and transmit an event/text. By following a sketch of some of the claims of hermeneutics (as proposed by Gadamer, 1975), I wish to point out the inevitable limits that the annotator will face as he interprets and transmits the meaning of texts hermeneutically, that is, within the generating and constrained laws of the genre.

[ii]

Grasping Meaning: the Enabling Prejudices of the Present

According to Gadamer, "everything written is, in fact, in a special way the object of hermeneutics"(Gadamer, 1975:356)³. Even that which is intended as little more than a gloss on, or a concise reordering of the rhetorical divisions and figures of a

³ Gadamer, G. *Truth and Method*, G. Barden and J. Cumming (New York: Seabury Press, 1975) Henceforth cited as (TM: followed by page number).

text, is guided by a genre that works within the past and present presuppositions of "our" tradition ("our historicity"). Whereas historicism makes its claims to objectivity by proposing to raise itself from the presuppositions of the past and present, hermeneutics regards these presuppositions as continuous: as bridged by tradition, as making possible the fusion of understanding. Because the interpreter cannot occupy some neutral point outside of his linguistically mediated understandings and presuppositions, Gadamer claims that, "there can be no such thing as a direct approach to the historical object that would objectively reveal its historical value [or meaning]..."(TM:292). There is no Archimedian point from which human reason (the interpretive method of historicism) can order or recover the past as "objective knowledge" for the present. He goes on, "the truth is that there is always contained in historical understanding the idea that the tradition [transmitted to] us speaks into the present and must be understood in this mediation -indeed, as this mediation"(TM:293). For Gadamer then, we can only understand from within our present mediation (within our linguistic-historical presuppositions) and so cannot claim to recover some supposed meaning of the historical object apart from our present reconstruction of it. Gadamer attempts to avoid the problematics that would result from such a claim, namely that of a self-enclosed present, by proposing that our present presuppositions are not hermetically sealed, but rather are "enabling prejudices" that "open-up" to the reflective application of one's tradition (TM:258-67).

The fact that the interpreter reads through a specific medium of presuppositions that selects, accents, suppresses, and orders certain aspects of the text, creates not the obstacle for grasping the meaning of the text but its enabling condition. Because a text is always at a distance from the present, we need to overcome that distance by making sense of it, by drawing out its significance for our time. But the text in order to be understood, requires a contact point with the present. For without this contact point, without a medium that is intelligible to the present, the text will not be understood, and

so will remain at a distance and perhaps forgotten. According to this scheme the contact point is to be found in the interpreter's presuppositions ("prejudices"), which constitute the initial directedness of his ability to approach and eventually grasp the text. As the interpreter projects or transfers the language-world he already understands onto the text, he comes to provide a contact with the text that renders it intelligible in the present. Like the translator who works within the language-world of his audience in order to make the text meaningful to them, the interpreter brings into play his presuppositions (which are the fore-judgments of the present) and so manages to translate the text's distance into the meaningful terms of the present.

Since the interpreter's present world is projected onto the text, it is evident that there will be no recovery or transmission of the text in its pristine state. In fact the text will be, at all times, selected, ordered and accented in different ways by different presents. Gadamer sees this as a "productive endeavour", but this translation into the present "...does not, of course, mean that [the interpreter/translator] is at liberty to falsify the meaning of what the other person says. Rather, the meaning must be preserved, but since it must be understood within a new linguistic world, it must be expressed within a new way..."(TM:346). So the interpreter/translator must simultaneously "...respect the character of his own language, into which he is translating, while still recognizing the value of the alien, even antagonistic character of the text and its expression"(TM:349). It is all too evident that in order to avoid the critique that hermeneutics *is only* concerned with how the present (interpreter) appropriates and subsumes the past (text) into its presuppositions, Gadamer must provide a reciprocating (circular) explanation of understanding. That is, hermeneutics must account for how the present and the past modify and act on each other so that they fuse and give rise to understanding. Understanding then is not to be conceived as a unilateral process, but as a reciprocal application of the past to the present and the present to the past. Allow me to unfold the workings of this proposal.

A Reciprocal Proposal: the Fusion of Horizons

Although the interpreter always already starts from his present presuppositions, his desire in wanting to overcome the distance or otherness of the text, by understanding it, means that the text still escapes his full understanding (his presuppositions). This "effort of understanding which is found wherever there is no immediate understanding" sets in motion a process where the interpreter's presuppositions are gradually worked-out (legitimated or de-legitimated) in his encounter with the text. In other words, because the text resists the imposition of the interpreter's presuppositions, the interpreter must (if he wishes to interpret/understand the text) filter out his legitimate presuppositions from the illegitimate ones. In this process the interpreter's presuppositions will have to prove adequate to the text: that is, they will have to allow for understanding, or they will have to be modified or discarded. Hence, the process of interpretation is a matter not of avoiding our presuppositions but of testing them against the text. As Gadamer writes:

[W]e cannot hold blindly to our own fore-meaning of the thing if we would understand the meaning of another. Of course this does not mean that when we listen to someone or read a book we must forget all our fore-meanings concerning the content, and all our own ideas. (...) [The] hermeneutically trained mind must be, from the start, sensitive to the text's quality of newness [otherness]. But this kind of sensitivity involves neither "neutrality" in the matter of the object nor the extinction of one's self, but the conscious assimilation of one's own fore-meanings and prejudices. The important thing is to be aware of one's own bias, so that the text may present itself in all its newness [otherness] and thus be able to assert its own truth against one's own fore-meanings (TM:238).

Because interpretation allows us to examine and modify the legitimacy of our presuppositions, we cannot conceive of the interpretive act as merely something that we do to a text; for in this process something also "happens to us over and above our wanting and doing"(TM:xvi). This reciprocal instance can be treated as analogous to a "successful dialogue": where participants enter into a conversation with their particular view points, but as the dialogue unfolds their presuppositions change since "both are concerned with an object that is placed before them"(TM:341).

Just as one person seeks to reach agreement with his partner concerning an object, so the interpreter understands the object of which the text speaks. (...) Every conversation presupposes a common language, or, it creates a common language. Something is placed in the centre, as the Greeks said, which the partners to the dialogue both share, and concerning which they can exchange ideas with one another. (...) [I]n the successful conversation they both come under the influence of the truth of the object and are thus bound to one another in a new community. To reach an understanding with one's partner in a dialogue is ...a transformation into a communion, in which we do not remain what we were (TM:341).

In a "successful dialogue" each participant arrives at a resolution that, thanks to the observations made by each during the discussion, has transformed their original presuppositions into a "richer understanding". But this convergence of insight is not the result or the property of either participant; rather it results from a reciprocal relationship that creates a common third.

Something like this convergence of insight also takes place when an interpreter grasps the meaning of a text. As the interpreter encounters the text in its otherness (in its absence from the realm of understanding), he reexamines his presuppositions while also paying attention to what the text seems to be saying. His success in "overcoming the otherness" of the text will, of course, depend on whether he has discovered a way

of reconciling some of his present presuppositions (which have undergone reexamination) with what the text seems to be claiming. This process does "not only [allow] those prejudices that are of a particular and limited nature [to] die away, but causes those that bring about genuine understanding to emerge clearly as such"(TM:266). Simultaneously we have here not the recovery of an original text, but rather the application of the text into the meaningful terms of the present. Being able to grasp the meaning of the text allows for the "rising to a higher universality that overcomes not only our own particularity but also that of the other". A "higher universality" develops as understanding renders the presuppositions/particularities of both interpreter and text into a "fusion" that overcomes their parochialness with the common grounds of the tradition . This is "the full realization of conversation, in which something is expressed that is not only mine or my author's, but [a] common [tradition]"(TM:350).

Because a text understood creates a common language, because it creates a "fusion of horizons" that widens the particularities of the present while translating the text into our present circumstances, no past or present horizon (presumption) can be seen as a self-enclosed totality that is fully determined. For each horizon modifies and acts on the other so that they intersect. *Yet* within a given horizon (within the given linguistic-historical presuppositions) a certain order can be detected; and this order, however minimal, comes to govern the ways in which present and past horizontal intersections occur. According to Gadamer our desire to understand a text from the past is not to be thought of so much as an action of one's present subjectivity but as the placing of oneself within a process of tradition (TM:258). For a tradition has always established an order towards any text. Thus, in addition to his presuppositions the interpreter begins his reading/writing of a text with what has already been previously ordered and handed down to him as an "effect" of the text. Since a text is transmitted in time it comes to compile "effects" that will impact upon (constrain) the interpreter's

reading/writing. The ways in which the text has been previously discussed, analyzed, questioned and annotated in books and other media necessarily affects the interpreter's understanding of the text and subsequently transmits the tradition into the present. Here both the "effects" of the text (the old interpretations) and the present understanding to be achieved, are the (pro)creators of the tradition.

Concentric Circles: the Continuous Center of the Tradition

The (concentric) circles which I have been sketching seem to provide the annotator with a model that takes into account his concerns to define, maintain, understand and hence transmit the text into the present. For the hermeneutical laws, which see understanding as a reciprocal transference between past and present, seem to provide a way for the annotator to understand and transmit something other than himself and his present, and yet define this other in a way that contributes to and expands not only his present understanding but the continuity of understanding in the tradition. The annotator who works within the laws of hermeneutics does not assume that the text's horizon is identical with his present horizon; however, the annotator's *will* to transmit and understand can "only [be] something laid over a *continuing tradition*, and hence it immediately recombines what it has distinguished in order, [*sic.*] in the unity of the historical horizon that it thus acquires, to become one with itself"(TM:273 emphasis mine). This circular (self-contradictory) proposal, which moves from difference to identity and back, is what allows the annotator to simultaneously avoid the naiveté of historicism (the claim that the interpreter can objectively recover some supposed meaning of the text outside of his own time) and the problematics of a self-enclosed present (the belief in no other time outside of the present). But this circular scheme is concentric precisely because its laws lead to and depend upon an all-encompassing and inescapable tradition. For notice that the movement from difference to identity and back is initiated in order to bring about a

fusion of horizons that allows us to more fully understand not only ourselves and the text, but ultimately *our* tradition. In this way understanding takes place in one direction: towards the common and continuous grounds of the tradition. "Something *distant* has to be brought close, a strangeness overcome, a bridge built between the once and now"(Gadamer cited in Ormiston & Schrift 1990:33) in order to ensure an understanding that allows for the continuity of the tradition. Here the tradition forms the evolving matrix through which all signs must pass on their way to understanding. For Gadamer then, "the truth of the tradition is never put in question, only the dynamics of its communications, extension, renewal, and constant revivification"(Caputo 1987:112).

Although the complex scheme of hermeneutics has attempted to avoid the interpretative constraints of an authorial intention it ends up replacing it with the constraints of the conventions of the interpretative tradition. While the fusion of horizons claims to allow us to understand the text both in its identity with the present and its difference from it, the scheme remains subservient to the continuity of the tradition "whose being is only [constituted in the] return to itself from what is other"(TM:15). The hermeneutical project then is ultimately concerned with transmitting and understanding the text in the present in order to "seek one's own in the alien, to become at home in it, [so as to establish] the basic movement of [the tradition]"(TM:15). The reappropriation of the alien into the folds of the finite (historically determined) but indefinitely evolving tradition makes possible "new" meanings, but only within the traditional form (the previous "effects") of understanding that shape and constrain the possible protocols for determining meaning. We are thus assured that behind the different finite expressions there will always be "something" that will allow us to return (grasp) back to the tradition (home). Hence, hermeneutics "gives us comfort in the face of the flux, ... [it] reassure[s] us that all is well, that

beneath the surface of historical transition an unchanging, infinite spirit [tradition] labors"(Caputo 1987:112).

The "interpretive community" is obviously an important aspect in the continuity of a tradition. For, as hermeneutics argues, it permits the retelling of the text into the present circumstances, allowing creative transformation while still maintaining the predominant sense of what is "true" and "valuable" about the tradition. Osiel's account of the pedagogical function of "liberal courts" in a post trauma society is consistent with --because it draws from-- the hermeneutical concern to interpret and transmit the meaning of texts within the *generating* and *constrained* laws of the tradition. Osiel writes, "while [liberal courts] seek to *preserve* the normative 'integrity' of their community over time, judicial stories also involve a continual effort to *rework* legal rules and principles 'in their best light' --to clarify and refine extant norms in the course of applying them to disputes regarding their scope and meaning"(Osiel 1997:73 emphasis mine). The implication here is that each retelling before the law metonymically preserves and reworks (for like the Gadamarian account of transmission it does not break with but only clarifies and refines) the norms of "our" liberal stories; hence, "the story of what the parties did to one another [during the period of state-sanctioned atrocities] is *subsumed* within a broader tale about what communal norms required of them and how these norms got to be the way they are"(Osiel 1997:73 emphasis mine). Of course this retelling and weaving within the broader intertextual fabric of "our" tradition (liberal stories) implies the continuity of the protocols for determining meaning: the genre. For as Osiel makes evident, "without recourse to the conventions of some genre, one will not have a genuine story. A story must have a plot, providing an intelligible beginning, middle, and end, located within a meaningfully delimited spatial context, a given community"(Osiel 1997:71). Reading and retelling within the "interpretive community", clearly implies "our" coming to recognize and utilize the normative and literary genres that help us to understand

ourselves and our traditions more fully. (For Osiel, this hermeneutical faith in narratives that foster understanding is crucial in a society that is recovering from a traumatic past.) Here both textual predecessors and present interpreters form a fabric of intertextuality that weave texts to other texts and contexts. Hence, the concern is merely to ascertain "which genre provides the most suitable framework for historical interpretation and public understanding of these horrors"(Osiel 1997:284). But let us be clear, the texture of interpretation and understanding are to be woven by those "...literary genres [which] prove better than others in choosing particular facts –among all chronicled ones– and arranging them into a national narrative that can effectively foster discursive solidarity and liberal memory"(Osiel 1997:283).

The Ethical Limits of Understanding:

But what happens when we come upon that which cannot be told as a "genuine story" with "an intelligible beginning, middle, and end"? What about those tears which cannot be contained "within a meaningfully delimited spatial context"? What happens when we encounter that which does not provide us with any information or understanding? What value do we attribute to that which cannot be told as a retelling, to that which does not make allusions to the generic conventions of "a given community"? To those who cry out: "*I cannot light the fire, I do not know the prayer, I can no longer find the spot in the forest, I cannot even tell the story any longer. All I know how to do is to say that I no longer know how to tell this story*"(Lyotard 1990:47). Reading and retelling within the "interpretive community" seems ethically suspect when we consider these questions, this affliction. For if understanding requires the reconciliation of the interpreter's present presumptions with the text/event and its mediated "effects" we can only be *affected* by that which has already been presently or previously understood within the tradition. In other words, understanding is a matter of weaving and retelling those presumptions which cohere with the already established allusions of a tradition.

The intertextual weavings, in this sense, would mummify the singularity and surprise of the strangeness of the other within the familiar. As Nietzsche reminds us this "familiar means what we are used to so that we no longer marvel at it, our everyday, some *rule* in which we are stuck, anything at all in which we feel at home. Look, isn't our need for knowledge precisely this need for the familiar, the will to uncover under everything strange, unusual, and questionable something that no longer disturbs us?"(Nietzsche cited in Ormiston & Schrift 1990:14).

What happens when a retelling is a telling that *disturbs* the frames of the familiar? Are we responsible for retelling it so that we can come to understand it? Are we to understand it so that we can repair the tears of our tradition? By again considering these self-questioning questions along side the hermeneutical will to fuse the past and the present into a horizon that enriches and continues the tradition, we, at this point, must explicitly take note of the limits of the very motor of hermeneutics: the will to understand, to overcome, to grasp the other within the genre of an already mediated protocol for determining meaning. For hermeneutics views the continual expansion of the tradition, and I would add of Being, as fundamentally grounded on the will to understand --that is, on the will to tell a coherent story that is "meaningfully delimited" within the ways of understanding of "a given community". In this sense the writing of the event (the transmission of the text into the present) can only provide understanding if the vocabulary and norms of the tradition are unbreached and continuously "bridged" by a shared identity. Here the presence of the same identity --for the other and the present-- guarantees transmission and understanding.

Close to the end of *Truth and Method* Gadamer writes: "Linguistic communication sets its theme before those communicating like a disputed object between them. Thus the world is the common ground, trodden by none and recognized by all, uniting all who speak [all who endeavor to understand] with one another"(TM:404). Through our effort at understanding, through our will to

communicate, we encounter the "common ground" (coherence, contexts, correspondences) and thus the fundamental predicate of human existence: for "[u]nderstanding is the original character of the *being* of human life itself"(TM: 230 emphasis mine). In this sense, all attempts at linking or commenting with an other are inevitably woven within the laws for transmitting knowledge or information; clearly then, hermeneutics is an ontological project that expels all that overflows ("our common ground") understanding/identity. The juridical implications of hermeneutics mimics the Occidental interpretive practice of reconciling the difference of the other within the assumed identity of the tradition. Like Plato's strategic footnoting of Homer's texts into the binding of his Republic, or the Church patriarchs' exegetical reworkings of the troubling texts of the Old Testament into the "New" institutionalized encasement, the annotator who works hermeneutically becomes part of a tradition that can be characterized by an ontological law of interpretation and transmission. This is a law which, despite the always already dispersing identity of the text, attempts to domesticate or deject the contradictions or disturbances that might undermine the fusion of understanding --the common ground (identity) of the tradition.

In what follows I begin to explore another way of conceiving the task of annotating. That is, I make my way towards a conception of writing which exposes what is at stake in an encounter with those who do not share in "our" understanding, with that which finds no refuge within "our" mnemonic cover. I seek to stage this encounter as an opening to an other (ethical) imperative that puts to question the hermeneutical obligation to link (overcome) the other in the constitutive self-understandings of a common tradition or vocabulary. I will start by travelling my discussion within the double-bind which Derrida finds the annotator in. Rhetorically this will push my discussion to consider a writing which works before the Law of law, a writing that writes its exposure to another imperative.

[iii]

The annotator who seeks to transmit the meaning of a text as a story with "an intelligible beginning, middle, and end" that is "meaningfully delimited within a given community", comes before a set of laws which simultaneously constrain and re-create the prevailing relations between texts, contexts, normative and literary allusions that exist within the self-enlarging totality of the tradition. The danger of fostering "morality and solidarity" (even one that claims to be open-ended) through this claim for "shared understanding" is succinctly pointed out by Alphonso Lingis, "[t]he community that forms in communicating is an alliance of interlocutors who are on the same side, who are not each Other for each other but all variants of the Same, tied together by the mutual interest of forcing back the tide of noise pollution"(Lingis 1994:81). If we are to avoid the ethically bankrupt claim that maintains the priority of a self-enlarging totality over the abject "noise" which disrupts it, we would have to breach all laws that threaten the exteriority of the other. In other words, our annotations would have to cease concerning themselves with the will to transmit/relate meaning and instead attempt to secure the alterity which overflows understanding. This would put the annotator before the law in a fundamentally different way (Derrida 1991:201). Concerned with preserving the exteriority of the other, the annotator comes before *the limits of those laws* which constrain and re-create how texts are related to other texts, and how meaning is to be preserved and transmitted within this relationship. Because the other is to be absolutely exterior, the other cannot be grasped in terms of any relation. If the other is to be beyond any totality it must rupture and baffle the prevailing intertextual relations of the tradition. Hence, the inaccessible relation to the other puts the annotator before the Law of law, that is before what must not and cannot be reconciled within the prevailing relations of the interpretative system.

Caught Before the Law of law: An Other Imperative

But what would this coming before the Law of law actually imply for the annotation? What results when our annotations are obliged before that which cannot be grasped as a relation? Of course these questions, which are always about grasping the meaning of that which is beyond meaning, cannot be considered without the direct risk of *meaning* nothing. Of course then these questions should not be approached directly; so allow me to further entangle this discussion by unraveling the threads of a double bind. In the essay entitled "This Is Not An Oral Footnote", Derrida proposes that the annotator comes before the "prescriptive double bind of an interdiction and an injunction":

[W]e see how this law text, which makes the law, produces at the same time a double bind: it says to the reader or auditor, "Be quiet, all has been said, you have nothing to say, obey in silence," while at the same time it implores, it cries out, it says, "Read me and respond: if you want to read me and hear me, you must understand me, know me, interpret me, translate me, and hence, in responding to me and speaking to me, you must begin to speak in my place, to enter a rivalry with me" (Derrida 1991:201-202).

If we want to transmit the meaning of a text we come before an injunction that compels us to *read and respond* and so *create* relations (a restitution) between the text and the interpretative system. Implicitly or explicitly we will create these relations by selecting and reframing the text so that it points to and stands for our present concerns; in other words, our retellings for the present will displace and rival the text as it *speaks in its place*. Having worked through Gadamer's circular proposal, that simultaneously acknowledges the creative character and constrained nature of transmission, we recognize the setting here and can anticipate that this injunction (*to create*) will be insufficient/problematic without an equally commanding opposite (*a constraint*). Thus

in what *appears* to be a hermeneutical gesture Derrida binds before this injunction an interdiction that obliges us to *be quiet*, to humble ourselves so as to respect and consider the claims and "effects" of the text: *all that has been said* before. In Gadamer's hermeneutical scheme the apparent conundrum between the injunction and the interdiction would be overcome by the will to understand. For the will to understand sets in motion a reciprocating (circular) process where the interpreter's present presumptions are gradually worked-out with the constraints of the text's claims and "effects", in order to produce a fusion of understanding. A fusion which, to remind ourselves, leads to the continuity and enrichment of the tradition. But notice that in Derrida's scheme the relation between the injunction and the interdiction does not produce any circular or reciprocating movement that would lead to some gradual integration, or an emerging totality, or any ongoing continuity. The relationship between the injunction and the interdiction is unmoving, static, rigid: it is precisely a *double bind*.

Doubly bound to the constraints of the text and the creative act of interpretation the annotator, according to Derrida, is *caught* (Derrida 1991:192,201). Equally caught and compelled before an injunction and an interdiction the annotator attempts to wander back and forth, but his circular movements in truth go nowhere: "I cannot or should not speak, but I promised that I would do so. I must and cannot; in truth, I should and should not keep my promise"(Derrida 1991:201). In truth, the annotator says nothing definite and presents no identifiable relations between texts except for an endless deferral: *I must and cannot; I should and should not*. Caught between the possibility and impossibility, between the necessity and prohibition of interpretation, the annotator cannot really transmit the meaning of the text and so "puts off until 'later' what is presently denied, the possible that is presently impossible"(Derrida cited in Behler 1991:71). Has the annotator broken his promise (at least one of them)? Or does he despite it all keep the Promise of his promise? It is true here that the annotator does not

fulfill his postal function of receiving and sending meaning, but in the preface to the paradoxical binding of the annotator Derrida has already warned us that '*the destiny of an annotation is to be always bad*' (Derrida 1991:102). Fated to always break or garble the chain (destiny) of messages between the proper senders and the proper addressee, for recall that he is caught in between an unavoidable and impossible task (his promise to respect the injunction and an interdiction), the annotator can only remain true to the Promise of his promise. This Promise is not the promise to transmit/fulfill meaning (later), but the Promise within every promise which can *never* be now nor have ever a present time: a time when one can simultaneously (and absurdly) say 'I promise you now' and 'I have delivered my Promise to you *now*'. This annotator's concern then is with a lack, an irrecuperable beyond, with a tense state which is never (and never will be) here and now, with an infinitely *deferred* future perfect: that Promises the promise.

This promissory aspect gestures the annotator towards a point of exteriority that cannot be grasped by any reading or retelling (weaving) within the interpretive community. Unlike the hermeneutical gesture, the concern here is not to preserve and re-create the intertextual laws that exist within the self-enlarging tradition but rather to bring these laws before the Law. Before the Law of law the annotator no longer re-collects or weaves the threads of the text into the intertextual fabric of the tradition; instead she unravels the threads and so tears the fabric, exposing the once seamless web of meaning to the very construction and limits of its material. This unraveling which concerns itself with the promissory aspect of that which will never be present in any present exposes the law (that which guides the synchronous succession of past and present texts within the folds of the tradition) to the Law (to that which lies beyond all fusion, all totality). This unraveling and tearing, unveils the violence in the law: the violence of every interpretation, of every meaning, of every intertextual relation that inevitably excludes in its will to represent. It recalls that "every discourse among interlocutors is a struggle against outsiders, those who emit interference and

equivocation (...). [It recalls that] in the measure that communication does take place and that statements are established as true, it designates outsiders as not making sense, as mystified, mad, or brutish, and it delivers them over to violence"(Lingis 1994:135). Before the Law of law, the annotator would keep reminding the law of what remains from its inevitable violence. Before this ethical critique of law, the annotator, apart from anything else, would have to attempt to allow the other to (somehow) reappear both as the point of exteriority (as the beyond/possible to every present/totality) and as the excluded other.

But by this point the "*what does this imply for writing*" question, which initiated this discussion, and that perhaps insistently retains itself at the back of our minds, must be explicitly posed: what would this annotator (who works before the Law of law) transmit if not meaning, if not relations, if not an intelligible story, if not the application of the text? What type of writing would this *be* ? Yet again --if the concern is to preserve what is otherwise than meaning-- we will have to avoid our temptation to directly grasp these questions with answers. For to restate the matter, our concern is beyond meaning, it presently cannot deliver an answer, not now; for our concern is with a writing that can write (transmit) the "possible that is presently impossible": an infinitely ungraspable point that opens us to what is before and beyond us.

This discussion seems to be *caught* up with this point. But what exactly *catches* us? And why does this account of writing necessarily keep *indebting* and *entangling* itself with this point? It cannot really do otherwise. For a writing that aspires to write in order to break out of the circuits of the same inevitably finds itself always already *caught* (hostage) and *obligated* to attend the other. It realizes --because it works before the Law of law-- that beyond our fulfilling/rendering meaning, we are first and foremost caught in our obligation to the other: to an obligation which signifies itself beyond our present knowledge. This writing then does not seek to write (represent) the

other, but writes its non-indifference, its immediate obligation, its being caught and entangled with an infinite concern for the other.

**The otherness of the other person
OBSESSES me, ORDERS me, and still
is never graspable or present enough for
me to set up a CORRELATION, a
balance, an unambiguous sense of this
other person. Hence, this is a
signification which never has recourse to
PRESENTS and to PRESENCES. It
never happens now. The DIFFERING
from the present, the incompleteness of
meaning as what can never be completed
or given determinate meaning is the
*IMMENSITY ITSELF OF THE
INFINITE* (Gibbs unpublished
1996:24).**

The immensity of this infinite obligation necessarily overflows our finite representations: the imperative of the Law overflows the law. Thus, rather than a settlement within our terms (an answer), rather than the closure of comprehension, the concern here is towards a writing that writes in order to reveal the infinite (ungraspable) obligation that is due. This writing then writes, not with or towards understanding (knowledge), but rather *it writes its exposure to an obligation* that cannot be accessed by a finite set of "characteristics" or "qualities" which can be recognized or identified by "our" vocabulary. This writing writes of an obligation which "dates from before my freedom in an immemorial past, an unrepresentable past that was never present and is more ancient than consciousness of A responsibility for my neighbor, for the other man, for the stranger or sojourner, to which nothing in the rigorously ontological order binds me --nothing in the order of the thing, of something, of number or causality"(Levinas 1989:84).

Because this obligation is beyond meaning --"is never graspable or present enough"-- it can afford to think beyond itself to those who share nothing in common with "us". Because this obligation does not require or depend on any binding meaning

(characteristics, or qualities that would obligate it), the imperative of this obligation is wholly other. It commands not through what we know (not through the Gadamarian presuppositions), not through our engagements with our institutions or norms (not because of a law), not through our shared "way of life", but through a recognition of the face of the other as an imperative: as an (alien) obligation "that not only contests the common discourse and community from which he or she is excluded, but everything one has or sets out to build in common with him or her"(Lingis 1994:11). Beyond a community of shared enterprises, even beyond the "community of genus", the other (again with Levinas' words) "remains infinitely transcendent, infinitely foreign; his face in which his epiphany is produced and which appeals to me breaks with the world that can be common to us, whose virtualities are inscribed in our *nature* and developed by our existence"(Levinas 1969:194). This epiphanic presencing of the face, which is a provocation and a calling forth beyond anything that we have in common, is the very emergence of ethics. This ethical manifestation is not predicated on any pre-existing grounds, rather it commands and requests a non-indifference to the other which -- precisely through its otherness-- interrupts the self-complacency of our common grounds. The implication for writing then is to heed and transmit this wholly other imperative. To appreciate the implication of this alien imperative we will need to pause and consider the "conventionalist ethics", with its impulse to enclose us in our language games, which implicitly is being challenged here.

The Ethical Irony of Contingency and Solidarity:

Ethics has commonly been thought to be grounded on the discourses, institutions, and norms that we identify as "ours" and that in turn reciprocally identifies us. In this view the face of an infinite ethical imperative (that is before and beyond anything that we have in common) would make no sense, as ethics stands --in the words of Richard Rorty-- "as the voice of ourselves as members of a community,

speakers of a common language"(Rorty 1989:59). Obligations then are understood through our shared participation in the contextual contingency of our language games. Thus, ethics becomes a contingent historical matter of "our" particular tradition; in this scheme, an ethical imperative does not issue from a noumenal asymmetrical point, nor from any "ahistorical conditions of possibility", but from its *congruence* with "the general principles on which we have been reared"(Rorty 1989:196). Rorty basis these claims by citing Wilfrid Sellars's phrasing of an ethical obligation as (symmetrical) "we-intentions": "It is a conceptual fact that people constitute a community, *awe*, by virtue of thinking of each other as *one of us*, and by willing the common good *not* under the species of benevolence --but by willing it as one of us..."(Rorty 1989:190f1). Hence, to breach the protocols of *our* language games --to breach the obligation to *our* society's terms of identification-- would be deemed unethical, the "sort of thing *we* don't do". Rorty writes,

An immoral action is, on this account, the sort of thing which, if done at all, is done only by animals, or by people of other families, tribes, cultures, or historical epochs. If done by one of us, or if done repeatedly by one of us, that person ceases to be one of us. She becomes an outcast, someone who doesn't speak our language, even though she may once have appeared to do so (Rorty 1989:59-60).

Because nothing (but the senseless abject) stands outside of the present contextual contingency of our language games, nothing but the "we" --an immanent community of "interlocutors who are on the same side, who are not each Other for each other but all variants of the Same"(Lingis 1994:81)-- forms the basis of an ethical imperative. Rorty confirms, "*We* have to start from where *we* are --that is part of the force of Sellars's claim that we are under no obligations other than the "we-intentions" of the communities with which we identify"(Rorty 1989:198). Since we have nothing

which appeals to us other than the common vocabulary of the present day nothing can command us in its alterity. Nothing then escapes being subsumed into the present same. In a gleeful tone Rorty sanctions the telos of this project, "[w]hat takes the curse off this ethnocentrism [the basis of our we-intentions] is... the ethnocentrism of a 'we' ('we liberals') which is dedicated to enlarging itself, to creating an ever larger and more variegated *ethos*. (...) The view I am offering says that there is such a thing as moral progress, and that this progress is indeed in the direction of greater human solidarity... it is thought of as the ability to see more and more traditional differences (of tribe, religion, race, customs, and the like) as unimportant when compared with [the] similarities..."(Rorty 1989:198, 192). Because ethics is here established by the imperative to '*see others as like ourselves*', the other's otherness no longer commands or questions us in its otherness. We are no longer caught or held hostage (obligated) by what we do not understand; the ethical imperative is understood through our similarities "...and so *appropriated* by knowledge, and as it were *freed* of its otherness"(Levinas 1989:74).

The danger of an ethical imperative that admits only the descriptive/cognitive phrases of our kin, or of what we recognize/understand as similar, is, despite Rorty's gleeful tone, quite grave. Reconceptualizing our obligation to an infinite (exterior) other serves --at least-- as a corrective to an ethics which "encloses us in our form of life or language games"(Cornell 1992:17). But before further developing the implications of this wholly other imperative allow me to retrace the steps --actually the problematics-- which have brought us here. In what follows I wish to rhetorically expose the conventional liberal trope of the "we" (and consequently the imperative which justifies itself with the "we-intentions", with the self-understandings of a shared vocabulary) to the meta-ethical language of the other. I thus seek to stage the crumbling of an imaginary "we" to an other which "has no place, no time, no essence, ...[which] is nothing but his or her request and my obligation"(Lyotard 1988:111).

Laboriously I have been attempting to sketch the ethical (philosophical) consequences, of the apparently benign suggestion, that the writing and transmission of a traumatic event can be pedagogically conducted as a means to repair and bind a community's commitment to its moral tradition. Mark Osiel's exemplary claim --which ultimately seeks "a national narrative that can effectively foster discursive solidarity and liberal memory"(Osiel 1997:283)-- consequently finds its philosophical legitimation/basis in Gadamarian hermeneutics, and in Rorty's invocation of an ethics which receives its imperative from the liberal "we". My critique of both Gadamer and Rorty --and thus of the claim that our annotations and ethical commitments are to be woven into the folds of the "we"-- is a meta-ethical extension of Drucilla Cornell's, concisely stated, reservation of their project:

Rarely does Gadamer reflect on *who* are the "we" who *share* a tradition. Rorty, likewise, appeals to "social practice" and "our shared conversation"; in a similar manner, he fails to come fully to terms with the ethical critique of "the conversation of mankind." ...[B]oth Rorty and Gadamer fail to recognize the difference in identity. [They both fail to recognize] ...the relations of domination and exclusion which are implicated in an abstract appeal to the "we" who *share* (Cornell 1992:35).

Ultimately, by appealing to a mnemonic device that weaves the event into "our" shared institutions and norms, the vocabulary of the "we" is sheltered from having to confront its own limits. By assuaging that which ruptures the continuity of its identification, the "we" ends up self-enclosed within the craft of its own understanding. Adorno spells out the ethical danger of this circular self-enclosure, "[t]he circle of identification --

which in the end always identifies [understands] itself alone— was drawn by a thinking that tolerates nothing outside it; its imprisonment is its own handiwork”(Adorno 1973:172). Hence, I have been highly skeptical of any claims that sees the writing of a traumatic event as serving some open-ended “good” (as being ethical) when it is, “woven [by our “we-intentions”] into a larger story about the community, its history, and its evolving normative commitments.”(Osiel 1997:73); for writing the event through this finite conception of ethics ultimately depends on the comfortable assurance of a transmission/translation, of a way of understanding, without loss, without tearing the yarn of the “we”. This writing, which comfortably settles its threads on a loom which grasps our shared understanding, does not expose *itself* to any obligation that is beyond itself. It actually transmits and reifies its non-exposure to the other, abjecting that which questions its identification. Regardless of the ways in which the event might confront, disrupt or plead us beyond “our” self-understanding, its transmission, under obligations to a kinship which identifies us, seeks to sustain that which confirms and comforts the familiar relations of the “we”.

Responding to Suffering: the Haunting in the very Binding of the “We”

This critique has been conceived, however indirectly and distant, against the background of traumatic texts which can never be encompassed by their *meaning*, by what “we” might *share* or *understand*. Of course there always will be *the will* to understand that which disrupts our shared language games. However, the trauma, the very *suffering* itself, is surely a disturbance that derides any understanding, any shared meaning; it makes the claim that “we can only be obligated by our shared contingency” seem ethically deficient. For if we were to limit our obligation to “the we-intentions of the communities with which we identify”, we certainly would curtail our obligation by recognizing and responding only to those who share and confirm our identification. What happens to those who cannot “properly” phrase their suffering within this

economy of recognition? For in this scheme "...we are under no obligations other than the "we-intentions" of the communities with which we identify"(Rorty 1989:198). Yet we must respond. For suffering demands a response regardless of any contingent language games. And we must respond because regardless of any economy of recognizable exchange, our descriptive, normative, or narrative accounts cannot justifiably be the grounds for our not responding to suffering. Our obligation to the suffering of the other is thus "immediate", beyond recognition.

Inasmuch as I sense the gestures and appeals of the other, not simply formulating the forms required by the profession, the social status, the age group, the etiquette, the circulation of information and messages, but faltering, hesitating, and offended by what is said, I sense in him an imperative other than that with which I understand the laws and codes of [my] social field. In facing me in the light of day, he shows wrinkles and wounds, in advancing in the practicable field, she reveals fatigue and exhaustion, in moving in the theater of society, he or she exposes his or her vulnerability to offenses and humiliation. One does not, properly speaking, perceive this suffering.(...) The alien suffering does not extend at a viewing distance, but afflicts my sensibility immediately (Lingis 1994:29-30).

The other, who does not share in our ways of speaking, who cannot give us anything that we can presently use, who does not have any "right" to be here, comes before me in his or her vulnerability. This vulnerability which faces me, pleads me to respond not because I identify myself as belonging to a particular group or tradition that is concerned with responding to "injustices", but I am obliged to respond --beyond any contingent grounds-- because the other faces me in his or her vulnerability to suffering. This face which faces humiliation, fatigue, pain, faces me with an imperative that cannot wait for my descriptive accounting. In its radical singularity to suffering --and

not because of its identity-- it demands that I become vulnerable to its vulnerability. This vulnerability to the other's vulnerability defeats my intentions for establishing my response in what I know and in what I identify with: it defeats any justification/grounding in identity or history. "When man truly approaches the Other he is uprooted from history"(Levinas 1969:52). Hence, I give way to the weight of what remains other to my identification and present time. "[A]n alien imperative weighs on me. The weight of the imperative is felt in the surfaces with which the other faces me with his or her weariness and vulnerability and which afflicts me and confound my [we] intentions"(Lingis 1994:32).

The other --who is vulnerable to suffering-- does not appeal to join "my" community, but "breaks" and disturbs the *same* community through the weight of a command that haunts and cracks the basis for sustaining the identification of the "we". This command exposes the heavy load in any claims to the "we"; for the imperative that I become vulnerable to the other's vulnerability inevitably implies that I ask how my claims to the "we" are grounded on the very burial grounds of the other. It asks me to consider how, "[m]y being-in-the-world or my "place in the sun", my being at home, have ...been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third world; are they not acts of repulsing, excluding, exiling, stripping, killing?"(Levinas 1989:82). This exposure to the other which cannot be encompassed by any finite representation (totality), and which obligates us despite and in spite of our contingency, necessarily implies an ethical imperative that is indebted and entangled with those who have nothing in common with us, with a radical exteriority, with a hauntology: "[a] spectral moment, a moment that no longer belongs to time, if one understands by this word the linking of modalized presents (past present, actual present: "now," future present)"(Derrida 1994:xx).

From this radical point of alterity, which remains outside (ir.finite) of any coherent and integrated temporal relations (or any conclusive present kinship), we

encounter the limits of the solidarity to which "we" appeal: a haunting in its very binding. Through this transcendent infinite instance, through this spectral *non-contemporaneity*, "we" are called into question, and so become potentially vulnerable to the other's vulnerability (apparition). Hence, the suggestion that our retellings and our annotations link onto traumatic texts in order to bear witness to the *unpresentable*, to what is otherwise than meaning, does much more, I hope, than claim the philosophical limits of hermeneutics. In a crucial way it attempts to gesture us *beyond the claim that the ethical depends on the process of maintaining, transmitting and extending "our" historically constituted norms, conventions and ground*. The suggestion here then is that an ethical transmission is possible NOT by "our" will to better understand ourselves and the other, nor by retelling and preserving the generic codes and metonymies of "our" vocabularies, but by bearing "another imperative, [which] contests the [same] imperative my thought has always obeyed"(Lingis 1994:29). This suggestion is not a pure abstraction with no effects: it *weighs like a nightmare on the brain of the living present*. (And lest we forget, "[t]o weigh is also to charge, tax, impose, indebt, accuse, assign, enjoin. And the more life there is, the graver the specter of the other becomes, the heavier its imposition. And the more the living have to answer for it"[Derrida 1994:109].) Obligated by the other's otherness, weighed with that which suffers the wrong of not being able to be phrased, this form of annotation must (necessarily) heed and transmit the *command to think beyond the present understanding*, a supplication that inevitably questions/haunts any being at home (settlement) in the "we". Unlike the hermeneutically informed annotation, which weaves the event in the binding of our understanding and consequently claims that the historically successive layers of the tradition are essentially continuous, this other form of the annotation which writes its exposure, its vulnerability, necessarily writes with the purpose of destroying our encrusted present norms. Before the wholly other it necessarily writes of an exposure that tears through the threads that shelter the "we".

A Note on Rhetoric: the Materiality of an Obligation

My concern and utilization of this hypostatized notion of the "we" is a rhetorical attempt to not only address this conventional liberal trope with the limits of its "own" words, but also to entangle and confound *any* "identity-logical" thinking --any mindset which proposes an ontological binding to the constitutive self-understandings of a common vocabulary or tradition-- with what is buried under its ground. By addressing the "we" through a meta-ethical opening, by exposing this necessarily imaginary identity to that which haunts and tears its ground, I do not *directly* address any (one) specificity but an "identificational fantasy". That is to say, I address an imaginary ideality (the fantasy/thought of a continuous, self-present identification --a "we") which can never be established empirically. For obviously the boundedness of any particular "we" is never an accomplished and given fact, as contradictions and permeations cut through its illusory homogenous image. Thus, the interface (the rhetorical encounter) between this illusory identification and the meta-ethical language of the other does not take place *directly* in the empirical, rather it stages an *obligation in thought* --an encounter of the limits-- which cannot be considered *purely* in constative or descriptive terms. Rhetorically (through sentences which do not have a direct referent to the empirical, but which still take place as sentences, as thought) it stages the necessary movement from ontology to ethics, where thought thinks the limits of its (identity-logical) thinking. "Remember that thought exceeds its contexts(...). [But] thought is not independent of it; on the contrary, it explores and questions its dependence from it with such obstinacy that it diverts the former's ordinary efficiency and, in this diversion, emerges as the event that it is"(Lyotard 1990:59). Thought thinking its limit -stuttering, stumbling, faltering on the very torment of its encounter with what exceeds it-- is vulnerable to something other: here the "identificational fantasy" (the "we") encounters its narcissistic wounding, a trauma which it cannot survive in the same way.

I do not mean to say by this that historical specificity is therefore absent. Far from that. For this "we" --which never "is", because it is always complex, overdetermined, and irreducible to any self-identical entity-- nevertheless produces diverse material effects through its imaginary claims on identification. Invoked as something real, as something present and capable of grounding intentions (in a "way of life"), this imaginary "we" induces (messy, violent) effects in history: the name and rhetoric of its claims weave boundaries and connections which in its inclusion inevitably excludes: it is a fantasy which in spite of its lack, sets in motion an economy of force. Hence, it becomes crucial for this thought which thinks its limit --for this meta-ethical encounter-- to *remember* that its obligation (which although is rhetorically staged in a non-descriptive and non-constative way) resonates in a specific material site with actual subjects that are vulnerable/exposed to pain and death. This resists, as Roger Simon warns, "the temptation to preserve [the meta-ethical encounter] as [some] vague abstraction, denying [its] key role in a concrete praxeological analysis"(Simon unpublished 1997:3). Writing which ensues from an exposure to the other necessarily finds itself in the *materiality* of an obligation.

The Obligation to the Unsaid: Bearing the Weight of an Affliction

In the previous chapters I proposed that the legal narrative strategy of the post-dictatorship (transition) period in Argentina expressed the desire to reconcile and mend the fragmented imaginary "we". For the reminder of the imponderable violence which was committed in the name of Argentine identity undermines any simple faith in the imaginary "we". In its attempts to respond to this liminal state and so limit its own loss of legitimacy, the nation (primarily through the institution of law) transcribes the "incomprehensible" into a legal narrative that offers an official representation of the "facts", and eventually a verdict that can provide some sense of closure. By exhuming and absorbing "knowledge" from a period that defies any simple "comprehension" it is

hoped that a rite of passage (a mourning ritual) can be performed for the imaginary "we", and simultaneously for those who have been "directly affected" by the denials and evasions of a period of disappearances. The performative power of this rite of passage lies in its ability to reinstate a way of understanding (through the language of rights) that ultimately makes sense of the event through the continuity of "our" terms. Osiel writes,

The liberal state can thus provide an institutional mechanism for mourning not only the deprivation of a victim's abstract moral rights, but the fully-developed life she might have lived in exercising those rights. In so doing, criminal law contributes significantly to the social solidarity that is based on shared commitment to liberal principles of mutual respect and concern among individuals. This communal mourning is one important role that collective memory may legitimately play in a liberal society, or within a society aspiring to liberalize itself (Osiel 1997:68).

By writing the event through the evidential rules of relevance and admissibility that pertain to the institution of law a "collective" healing process (also read, a "liberalizing process") is proposed.

However, this process for reconciliation has been constantly interrupted (during and after the trials) by the unending rage and lament of the Mothers of the Plaza de Mayo. Still, every week on Thursdays at 3:30 in the afternoon, the Mothers assemble and publicly display their grief in the political and economic center of the country --the Plaza de Mayo. Their refusal to weave themselves within the process of reconciliation, their persistent public display of rage and suffering tears at the symbolic fabric of the "we". The assurance of "our" coming to terms with the past ontological violence dissipates before the apparition of a rage and suffering that refuses to settle in any present reparation. Their demands are impossible; they call out: "*con vida los llevaron,*

con vida los queremos!" (they took them away alive, we want them back alive!). The call can never be answered. And so the call is made over and over. It persists in reminding all those at home in the present that behind their comfort, behind any settlement, a specter awaits. This call which still echoes every week in Argentina inevitably haunts any "new" or "old" imaginary basis for sustaining "a nationally viable continuity". In the very binding of the nation, in the public square of its history, the neither alive nor sufficiently ever dead calls out.

The desire for collective vindication which the legal means for coming to terms with the past enacted, is rendered vulnerable by the weekly apparition of the Mothers. Although political rationality insists on the need to *heal the wounds of the nation*, the Mothers' agony bursts through any solution: "Let there be no healing of wounds," they argue. "Let them remain open. Because if the wounds still bleed, there will be no forgetting and our strength will continue to grow"(cited in Bouvard 1994:152). For this they are resented, pathologized, and ultimately excluded from the "new" Argentina. Marguerite Guzman Bouvard tells us that "when the mothers first voiced this cry [*con vida los llevaron, con vida los queremos!*] many supporters of the [new democratic] government criticized them as crazy, obstinate women who refuse to accept the reality of their children's deaths"(Bouvard 1994:147).⁴ Yet, what makes their cries different

⁴ The claim which held the Mothers to be "crazy" was of course initiated by the very military dictatorship which "disappeared" their sons and daughters. A military spokesperson was quoted as saying, "this matter is of no concern to us. These women are mad"(cited in Elshtain 1994:82). Thus, the claim that the Mothers are "crazy" by the democratic government or its supporters carries a particularly malicious tone. In fact, both President Alfonsin and President Menem drew on the extremely explosive discourse of "national interest" and "national threat" (subversives which threaten the nation) in order to deligitimate the Mothers from the political arena. Jo Fisher tells us that, "during the first *marcha resistencia* [demonstrations which were organized by the Mothers] since the end of military rule President Alfonsin proclaimed [that] he was not in agreement with the 'political objectives' of the demonstration which he considered [has] not 'coinciding with the national interest.' (...) Eight months later, while on an official visit to Germany, he declared to journalists who questioned him on the Madres de Plaza de Mayo, 'We have serious discrepancies with the positions of the Mothers, which in this instance, I believe are political positions. I believe that it is highly negative for democracy to think about the defense of those who caused all the terrible bloodshed in the country, with an elitist conception which leads toward subversive terrorism' "(cited in Fisher 1989:142). Marguerite Guzman Bouvard also notes the ways in which the Mothers were portrayed as a "national threat". As Alfonsin "launched a campaign to bring national reconciliation with the military, [he] at the [same] time, portrayed the Mothers as unpatriotic and manipulated by outside forces. (...) In July 1987, while the Mothers were marching to protest a Mass of reconciliation for members of the armed forces

from any simple "denial" or "melancholic pathos" is that they are "acting to preserve something in the midst of unbearable destruction, *to honor obligations* [to the remains] that cannot be annihilated by brute force"(Elshtain 1989:231 emphasis mine). Their rhetorical dismemberment of any political settlement unearths the revenant question which lies in the "we" --*how are "we" responsible for the remains?*"

The Mothers explained that their demand was in truth "asking a question of those who do not wish to answer it and questioning a whole system which generated a savage repression(...)." The slogan was a response to the junta's mythologizing of reality, most especially to its campaign of denials during the terror. It was also a reaction to the legislation under Alfonsin transforming the 'disappeared' into victims of *murder* and to the official pronouncement of the theory of the two devils. In demanding the return of their children alive, the Mothers insisted upon recreating and reasserting the complexity of reality, the shades of differentiation that the junta's reduction and simplification had sought to eliminate. "Our children are not dead," one of the Mothers insisted. "They are 'disappeared'"(Bouvard 1994:147 emphasis mine).

These "mourners-in-waiting" who perform their ascribed private gender roles ("the grief of a mother") in the most public space of the country, come to embody the "repulsion" of boundary transgression, of not remaining in the folds of the symbolic. Thus, "just as Creon aimed to portray Antigone as mentally deranged, the Mothers were labeled "las locas" [the crazy women of the Plaza de Mayo], the madwomen --

to be followed by a military parade, they were attacked with chains and clubs by the security forces. (...) When the Mothers protested the violence, the government only criticized them for their intransigent attitudes"(Bouvard 1994:200). This attitude towards the Mothers would continue with quite some force under the Menem government. "Hebe de Bonafini [the head of one of the Mothers' organization] appeared on a television program in Spain where she was interviewed at great length. She focused all her wrath on the president (...). Those words would cost her dearly. President Menem labeled Hebe a national traitor and began proceedings to bring her to court on charges of contempt for authority, a criminal offense in Argentina"(Bouvard 1994:214).

beyond the pale, outside the boundaries of legitimacy politics"(Elshtain 1989:231-232).⁵ As new boundaries establish and redeem the institutions and "character" of the nation from the supposed anomaly and aberration of the past violence, these "mourners-in-waiting" who refuse to "let go of the past", who make "irrational demands on the living", who "although mothers, refuse to stay at home like real women", cross the normative boundaries of time and space, and are thus dejected into the fringe of society or rendered "crazy". After the return of democracy, Jean Beathke Elshtain notes the ambivalence and embarrassment which often accompanied those Argentines who spoke to her of the Mothers:

One psychoanalyst, a powerful professional woman, very much immersed in feminist questions having to do with the Symbolic Father and how the female is culturally constructed and how and in what ways all this should be defused or transformed, told me that she and many other professional women felt "ambivalent" about these Mothers of the Disappeared. She claimed they strategically used the Symbolic Mother as *mater dolorosa* and, in this process, wound up deepening and legitimating the mourning mother as the ideal-typical female identity. This "negative critique,"

⁵ With the return to democracy the state emphasized a "new public rationality" which excluded the Mothers' rage from the institutionalization of liberal (individual) rights. The narrow legalistic frames for re-telling the traumatic past privileged the Oedipal script, "which focuses on generational father-son conflict and the male rulers attempts to put an end to social crisis and *disease* through self-knowledge and the discovery of the Truth"(Taylor 1997:208), over Antigone's imperative to care for the remains before and beyond Creon's "rationalist politics" –before and beyond the logos of any state. In this sense, we can see the Mothers re-enacting the script of Antigone's revolt. For "...Antigone embodies a civic revolt, action undertaken in the public sphere in defense of exigencies that emerge from the private sphere. (...) Antigone does not seek the institutionalization of a narrow private good, the instantiation of some insular, privileged purity; nor does she aim for deliverance from private/public, particular/universal conflicts. (...) [S]he recognizes that her action will deepen and make public conflict between differing understandings of human good and civic necessity"(Elshtain 1989:229). Hence, this script does not situate loss around an idealized private ego (melancholia), but rather publicly mourns, or expresses a grief/rage, which challenges the symbolic order with an imperative that remains forever lacking: "Let there be no healing of wounds," the Mothers insist. In this sense, the symbolic will never be able to simply claim "death" or "murder" over the imponderable violence of "disappearance". Rather, the symbolic is forever obligated to question the lack of its logos, to face the differing and conflicting claims in any public discourse. This perpetual obligation to question, to face the lack in the center of its body (the Plaza), disrupts those desires which are nostalgically knotted with the glory of the (One) Nation.

...went something like that. Besides, another woman told me, something had to be done about the *terrorista, the subversivo*. Now all anybody wanted was an end to fanatical politics of any brand, left or right. And the Mothers, I sensed, had become a bit of an embarrassment with their incessant demand for the disappear to reappear alive, *aparicion con vida* (Elshtain 1994:77-78).

This attitude attest to the intensity of the anxieties and tensions which lurk under the desire for reconciliation. Whatever remains outside of the process of reconciliation, whatever interrupts the concerns of the here and now, of the law, is a deviation so profound, an encounter so strange, that it must be abjected, considered as "too crazy" and "embarrassing" to be able to participate under the light of "legitimate politics".⁶

The psychotic, the pariah, and the mystic find themselves not informed by the established discourse, not directed to the things and situations it formulates, and not summoned to contribute to its establishment. (...) Statements that are firm, established, and acknowledged as reliable and veridical, address to these individuals but one utterance, "You are incapable of truth!" The pariah, the mystic, and the psychotic know this utterance in the suffering and torment of their bodies. What is designated as a mind in decomposition in a brutish body is not simply an entity excluded from the objects that the established body of statements identifies and recognizes; it is tortured by the institutions that establish the truth (Lingis 1994:140).

⁶ The way in which the Mothers have been closed off from the "legitimate" political discourse of Argentina is made painfully obvious by an important demonstration which literally took place in the dark. Bouvard recounts, "I was with them on one of these marches and observed that city officials had turned off the lights in the Plaza and the people closed their windows or turned away as the Mothers passed by. The only television coverage was from abroad, and the following day none of the newspapers carried stories about the march"(Bouvard 1994:210).

Clearly the wrong suffered by these "mourners-in-waiting" cannot be justly translated into a litigation. Despite Osiel's assurance, their affliction resists being retold and "woven into a larger story about the community, its history, and its evolving normative commitments". If their suffering served such purposes it would be a gross injustice, a condensation of the imponderable into a tidy moral telos: a way of understanding without loss, without leaving one's ground. The intertextual fabric of the "we" literally rips apart when it encounters the Mothers' insistence: "*con vida los llevaron, con vida los queremos!*" There is nothing which can ever fulfill this demand, and there is nothing but an unending obligation to witness this unappeasable demand. It seems that "[a]ll one can do is thread one's way through it, slip and slide through the ruins, listen to the complaints that emanate from them. Passibility and compassion"(Lyotard 1990:43). The inadequateness of "our" position, of "our" response tears *us* apart. This obligation '*weighs like a nightmare on the brain of the living present*'. We become caught and obligated not by the comfortable "we-intentions" which we weave "our" identification/kinship/politics, but by "another imperative, [which] contests the [same] imperative my thought has always obeyed"(Lingis 1994:29). This wholly other imperative is a perturbing yet potentially availing disintegration of the familiar boundaries of identity. It forces us to confront the unsealed (burial) grounds of the "we". For to encounter what cannot be fully described, defined or discoursed is to start to unwork those violent certainties which bounds and grounds "our" vocabulary or intentions. Rather than seeking to describe this encounter with alterity "we" are obligated to go beyond "our" identification or understanding. For the Mothers' call does not provide any "meaning" nor "understanding" which confirms my vocabulary, rather it signals an affliction, a sentiment, a "feeling", which is unable to phrase what must be phrased: a mnemonic rupture which displays the *differend*. A *differend* which I read and therefore become obligated to (somehow) transmit or put into phrases.

The differend is the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be. This state includes silence, which is a negative phrase, but it also calls upon phrases which are in principle possible. This state is signaled by what one ordinarily calls a feeling [a sentiment]: "One cannot find the words," etc. A lot of searching must be done to find the new rules for forming and linking phrases that are able to express the differend disclosed by the feeling, unless one wants this differend to be smothered right away in a litigation and for the alarm sounded by the feeling to have been useless. What is at stake in literature, in a philosophy, in a politics perhaps, is to bear witness to differends by finding idioms for them (Lyotard 1988:13).

Without trying to "understand" the Mothers' impossible call, that is without reducing their claims to the "irrational" or to the psychological category of a "defense mechanism", the stake for writing is to write (transmit) the sentiment and obligation in this call which has no present possibility. Writing must bear witness to how "this present 'society' has no need for this affection [sentiment] nor for its preservation, [how] it forecloses it more than any other"(Lyotard 1990:40). Beyond any empathetic pretense and beyond understanding, writing writes its exposure to something which cannot be instrumentally used, which cannot be delimited by language or cognition. It seeks to transmit something which "alarms" but which risks being forgotten, risks being "smothered" by "our" representation of it (as when the Mothers' impossible call is understood/represented as a psychological "denial"). How can writing transmit, how can we find idioms, for an unappeasable sentiment without reducing, smothering, forgetting its provocation? That is what is at stake in this other way of annotating, to think the forgotten, to "find ways to remember what cannot be remembered, to talk

about what cannot be talked about, to acknowledge our debt as well as our inability to settle it"(Carrol 1990:xii).

[v]

[I]t is difficult to conceive of anything at all beyond representation, but [it] commits us perhaps to thinking altogether differently. (Derrida 1990:137)

In this last section of the chapter I cite, through Lyotard's notion of negative witnessing, a work of art which attempts to bear the Mothers' sentiment: I place before you Guillermo Kutica's painting *Nobody Forgotten Nothing* (1982, acrylic on wood 120X150 cm. See Shaw 1994). In this last section I do not aspire to any conclusions but to point out that the impossibility of ever linking an answer to the call "*con vida los llevaron, con vida los queremos!*" signals a profound responsibility for thought and writing to bear witness to this aporia of representation and to its pain. Indeed the residue of this sentiment does not permit a facile, unambiguous task for thought and writing. Hence, in what follows I *read* Kutica's painting as an other way of writing, which transmits and preserves a sentiment (an "affect") that provokes, alarms and rips through the comfort of "our" present vocabulary. This writing then cites the site where "our" understanding breaks down, where the imaginary trap of "our" identity consequently opens into a question. Again what is in question is an "identificational fantasy", where the imagined "we" becomes confronted by what it forgets. What it stages is an obligation in thought, where thought thinking its limit becomes vulnerable to an other (forgotten) imperative. These following notes display a way of writing that ensues from the realization that "[t]hought, remaining in the abyss, confronted with its own disaster, is struggling not to continue along its representational line but to approach what it has not been able to think and what it cannot think"(Lyotard 1990:43).

Bearing Negative Witness: Writing (in) the Forgotten

Before us they stand. And before any grasping of the event we are faced with the inevitable lateness of our response. We have arrived too late. It feels like we always arrive too late. We know that there is something that they are witnessing yet we cannot directly know. We are behind the event and must face and bear with that apprehension. This is an uneasy knowledge, for everything that we see here concerns the impossibility of our finally knowing certainty. Our visual knowledge is struggling to recognize something. But it bumps up against our belatedness, which catches us looking at them looking at something beyond us. Once again we are reminded that we -all those who claim a settlement within the present-- are behind, that we cannot see the

vanishing point of what rests in front. But nevertheless we sense that there remains something *deposited* there. Belatedly, we come upon the trace of the other; and so, find ourselves already obligated prior to any seeing or knowing.

In Kutica's *Nobody Forgotten Nothing* we find the presence of an absence that comes before re-presentation, that is, what is there before we can "fully" see/know the event. It is an absence that calls us and demands our attention irrespective of any specific or verifiable exposition. Lyotard calls this event *the Forgotten*; it is unique in that it can never be known directly. It can only be known from its *affects* :

...the Forgotten never ceases to return to claim its due. The Forgotten is not to be remembered for what it has been and what it is, because it has not been anything and is nothing, but must be remembered as something that never ceases to be forgotten. And this something is not a concept or a representation, but a "fact", a *Factum* (Kant II, A56): namely, that one is obligated before the Law, in debt. It is the "affection" of this "fact" that the dismissal persecutes (Lyotard 1990:3).

We must heed the call of *the Forgotten* not just because we will it, or know it, but because we "must". We are obligated beyond reason because we find ourselves thrown into relation with *the Forgotten* . Once we glimpse that there is something *there*, we *sense* that something is straining, not into representation/knowledge, but into something more like a plea that calls on us. This plea --*con vida los llevaron, con vida los queremos*-- which gives us nothing but the sentiment of an affliction demands our response regardless of what sense we might make of it. We might say that it is impossible to respond to them, that they are crazy. But a plea beyond reason still calls on us. Or we might say that we have already responded, and that they just cannot accept the facts for they are in denial. Yet a plea, which no longer addresses our descriptive genres, signals the sentiment of an affliction that obligates us in a wholly other way. Our response is awaited.

Our response is urgently awaited for as Kutica's painting reminds us, *we are already late with it*. In response to a comment about how his work often portrays the absence of people as a presence in itself, Kutica drew this point:

...my spaces are places to get to or to leave. I would say that people have been there. They aren't there right now, but there is no doubt that they were there not long ago! I think that there is a very *strong sensation* in my paintings of *not knowing* what happened or what will happen. The trail is fresh. One arrives at a scene where something has just happened. The viewer got there *too soon* or just a second *too late* to catch the action. I would say the people abandoned the painting just a second ago (cited in Shaw 1994:126 emphasis mine).

Because we arrive too late or too soon, and never on time, we can never claim to finally "master" our response; we will always be lacking and always expected. Hence, to claim that "we have finally responded" indicates that we are attempting to forget ("master") the fact of our interminable debt (lack) and obligation to *the Forgotten*. Lyotard holds that in the "Occidental tradition" there is an established tendency to continually deny the perpetual debt that is due to *the Forgotten*. In the attempt to "master" (sublating the other into the thought of Being/ontology) the obligation/debt due to the other, the "Occident" has ended up trying to "convert"/"expel"/"integrate"/"exterminate"*the Forgotten*. For any *remainder* of *the Forgotten* ends up standing in the way of the "Occidental" crusade for "mastering" and "totalizing" everything into the present empire of knowledge; they must be vanished because "(t)hey are what cannot be domesticated in the obsession to dominate, in the compulsion to control domain, in the passion for empire, recurrent ever since Hellenistic Greece and Christian Rome"(Lyotard 1990:22). Amidst this mass interment site Lyotard proposes that we must respond, that we attempt (impossibly) to remember *the Forgotten*. Yet no answer nor reason can ever satisfy the call: *con vida los llevaron, con vida los queremos!* For we are too late to ever fulfill this demand with what we know. How can we ever respond?

Lyotard proposes that we must respond to the *affects* that surface from *the Forgotten* in two ways: one of the ways (which I have already discussed in the second chapter) is to bear witness to (read) the differends that erupt from the attempt to settle or smother the provocation of a sentiment by knowledge claims; the other (which extends from the first) is to "bear negative witness" by means of writing (representation) to what is beyond knowledge/re-presentation (Lyotard 1990:33-5,47-48). This form of writing must proceed "negatively"; it does not seek to re-present or recover (know) something, but to re-mind us of our obligation to *the Forgotten*. It seeks to remind us of the provocation, the scandal, which beholds our encrusted present norms. Bearing negative witness means that our writing should not re-present the unrepresentable, but represent that nothing can re-present the unrepresentable (Lyotard 1990:47). For *the Forgotten* "cannot be represented without being missed, being forgotten anew, since it defies images and words"(Lyotard 1990:26). But how can this saying that it cannot say the unsayable possibly remind us of our obligation to *the Forgotten*? Can this "negative logic" possibly provide us with the grounding/foundations/reasons that would motivate us to respond to *the Forgotten*?

Obviously, bearing negative witness cannot provide us with any of the "we-intentions", with any of the grounds or reasons to respond to *the Forgotten* . But that is exactly the point. We do not have any reason to respond, nor any alliance of interlocutors to whom we are obligated to respond to, but we do not have, nor can we have, any justification why NOT to respond. For our capacity to reason, to understand and to share in common, can never encapture the force of the obligation that is due. Our obligation to *the Forgotten* is not based on the operation of a "rational criteria", nor on any shared discourse or community which can provide us with the rules and codes that bring forth the *affects* of our being obligated to respond; our obligation is before and beyond all norms, conventions or criteria of reason that can assure us that we have once and for all paid our debt. In this sense then, our obligation can only be known

negatively. Without knowledge, reason, or the familiar justifications of our kin, the obligation rests on an "empty" foundation. The critical force of such an "empty obligation" is that it mobilizes an exclusively "negative critique" against any attempt to claim that we have "mastered" or "fulfilled" our obligation to *the Forgotten* : it ruptures any answer or settlement which attempts to reduce or smother the provocation of a sentiment that does not provide any "meaning", "understanding", nor "resolution". It preserves the "scandal of the other", that which obliges the present to think beyond itself, to make itself vulnerable to an affliction which cannot be cognitively grasped. It is only in this way that the enormity and incomprehension of the sentiment can be guarded from being exhumed into the same, into the folds of the familiar, where "everything strange, unusual, and questionable [becomes] something that no longer disturbs us". To base our obligation on reason is to lose the force that demands our immediate response. To base our obligation on what we know or share is to lose the enormity and incomprehension of the *affect*, the alien force that forces us to open the present to its before and beyond.

Before us they stand. With their backs to us, they seem removed from the commotion of the present. What are they facing? What sort of affliction is this? Is this what urges them to still call out the impossible *con vida los llevaron, con vida los queremos*? Are they painfully and inexpressibly witnessing the unwitnessed? A signal of the "scandal of the other"? The only thing we know is that they are standing there facing beyond there. There is an ontological aloofness in their pose. Their bodies come in and out focus. If we stare long enough at the minimalism of their form, the "incomplete" lines, the flat undistinguished colours inside and around them start to dissolve the referent. Their figures as bodies are too "incomplete" to be bodies. They start to disappear. But then they reappear again. They appear to be floating not grounded in anything, somehow already elsewhere. In not really (fully) embodying the present and looking at what is beyond, they challenge the symbolic order of the present

and become outcasts in the name of the absent. Our need for "knowledge", for the procedural peculiarities and stringent evidential rules of relevance, attempts to "understand" them. They become "known" as mourners-in-waiting, "las locas de la Plaza de Mayo" (the crazy women of the Plaza de Mayo). They are outcasts from the symbolic's suture of time and space. For they stand for and before the absent other: pointing to a different temporality; exposing a wound which will not heal with time; reminding us that the time of justice is outside of the present order.

A Memory of Justice: the Promise to *the Forgotten*

Because our obligation to *the Forgotten* is concerned with addressing a *wrong* we enter into the realm of justice (the Law of law). But this justice is not fully of this order. It appears both as point of exteriority and transcendence that precludes the closure of any claims to realize justice within the terms of this present. In Kutica's painting the threshold upon which the figures stand insist on reminding us of our inability to ever fully bring to presence the re-presentation of the other. The painting by displaying the figures' backs to us retains the reference of the body while simultaneously admitting the "incompleteness" (the "undefinedness") of this reference. The thought that cannot be disassociated from such a dislocation, of our looking at "incomplete" bodies looking at the beyond (missing), is how our own "looking" and "recognition" (knowledge) of the figures as some bodies' backs are based on partial, "incomplete", and missing references (*no-body*). Kutica's painting reminds us that we can never claim with confidence that our judgments are complete and impartial; whatever our accounts of these figures they can never be fully accounted for. This is a writing which exposes its vulnerability to the other.

In this way we can read *Nobody Forgotten Nothing* as bearing negative witness to the call of justice for *the Forgotten* as an "incomplete", promissory statement. But why should justice remain incomplete to do justice to *the Forgotten* ? Whereas the law

(as a genre for transmitting knowledge or information, or for providing settlements through litigation) is based on representation, calculation and systematization that inevitably order and exclude, justice --as the Law of law-- can never be finally represented, can never be made present. For to do so would ossify the force of justice in the present vocabulary of an existing legal (interpretative) system (tradition). Subsuming the force of justice in this way would deplete that critical force which can remind us of *the Forgotten* in any representational claim (law). Justice therefore cannot be identical with legality; it must operate from a point of exteriority that cannot be absorbed by the present empire of knowledge. Understood in this way justice opens the claims and settlements of law (of the present) through the recognition of its own lack -- for there can never be enough justice to fill the law (Cornell 1992). Thus, the meaning of justice is itself "incomplete", a promise to remember what was never a presence; a promise to remember what can never fully be re-presented within the possible present protocols of understanding. This promise does not have a present time that finally realizes it. The promise comes from the depths of immemorial time and is always addressed to the beyond of the present.

Because the affliction of *the Forgotten* cannot justly be condensed into the same imperative with which we understand the laws and codes of our social field, Kutica's writing writes the opacity which informs their call. This writing which writes the sentiment of an affliction, which bears negative witness to what cannot be said, reveals that we cannot understand what we do not understand (the limits) until we sense that our understanding is *incapable of carrying across* the weight of the sentiment. There is no shared epistemological ground which will guarantee our being able to translate this affliction into our language; rather the radical alterity of what cannot be said tears the seams of the same vocabulary. "Writing is this 'work' that is nourished by the thing excluded in the interior soaked with its representational misery, but which sets out to represent it (this thing) in words, in colors. (...) [I]t also devotes itself, through the

most diverse concerns (...), to marking on its body the 'presence' of that which has not left a mark. (...) Writing tries to escape the traditional repetition of its defense, to divert language by unknown paths toward the cloud of terror that lies hidden in the limpid blue of language"(Lyotard 1990:33-34). Writing which bears negative witness is thus *not* an otherworldly denial of *what* we understand, but an urgent gasp for *how* our present symbolic realm (our language) becomes exposed, or called into question by what is otherwise than *what* we understand, by a sentiment which has no presence, but which signals a vulnerability to suffering. Kutica's *Nobody Forgotten Nothing* writes the affliction of those who cannot build on the allusions of what is commonly available. It writes of a grief which literally has *no body* to mourn. It writes of those who suffer from being *forgotten* because they share *nothing* in common with the present order of time and space. This writing writes in order to bear and bear witness to that which cannot be woven into the folds of a self-recapitulative history or morality: this writing ultimately writes that it cannot write, but must (nevertheless) write, the sentiment of an affliction which breaks the loom of "our" understanding.

I cannot light the fire, I do not know the prayer, I can no longer find the spot in the forest, I cannot even tell the story any longer. All I know how to do is to say that I no longer know how to tell this story. And this should be enough. This has to be enough (Lyotard 1990: 47).

bibliography

- Adorno, Theodor. 1986. "What Does Coming To Terms With The Past Mean," In *Bitburg in Moral and Political Perspective*. G. Hartman (ed.) Ind.: Bloomington. 114-129.
- Adorno, Theodor. 1973. *Negative Dialectics*. E. B. Ashton (trans.) New York: Continuum Publishing Company.
- Agger, Inger & Jensen, Soren Baus. 1996. *Trauma and Healing Under State Terrorism*. London, New Jersey: Zed Books.
- Agosin, Marjorie. 1992. *Circles of Madness: Mothers of the Plaza de Mayo*. Celeste Kostopulos-Cooperman (trans.) New York: White Pine Press.
- Alonso, Ana Maria. "The Politics of Space Time and Substance: State Formation Nationalism and Ethnicity," *Annual Review of Anthropology*. Vol. 23. (1994): 379-405.
- Amnesty International. 1987. *Argentina: The Military Juntas and Human Rights (Report of the Trial of the Former Junta Members, 1985)*. London: Amnesty International Publications.
- Andersen, Martin Edwin. 1993. *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"*. Boulder, San Francisco, Oxford: Westview Press.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. second edition. London: Verso.
- Antze, Paul & Lambek, Michael. 1996. "Introduction: Forecasting Memory," In *Tense Past: Cultural Essays in Trauma and Memory*, Michael Lambek and Paul Antze (eds.) New York, London: Routledge. xi-xxxviii.
- Avellaneda, Andres. 1986. *Censura, Autoritarismo y Cultura: Argentina 1960-1983*, 2Vols. Buenos Aires: Biblioteca Politica Argentina/CEDAL.
- Behler, Ernst. 1991. *Confrontations: Derrida/ Heidegger/ Nietzsche*. Steven Taubeneck (trans.) Stanford: Stanford University Press.
- Beltran, Virgilio R. "Political Transition in Argentina: 1982 to 1985," *Armed Forces & Society*, Vol. 13 No.2. (1987): 215-233.

- Benjamin, Walter. 1968. "The Storyteller," and "Theses on the Philosophy of History," In *Illuminations*. Hannah Arendt (ed.); Harry Zohn (trans.) New York: Schocken Books. 83-109, 253-264.
- Bhabha, Homi K. 1994. "Dissemination," In his *The Location of Culture*. New York: Routledge. 139-170.
- Bouvard Guzman, Marguerite. 1994. *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo*. Wilmington: Scholarly Resources Inc..
- Bronfen, Elisabeth. 1992. *Over Her Dead Body: Death, Femininity and the Aesthetic*. Manchester: Manchester University Press.
- Brizuela, Delfor & Castells Alberto. 1992. *Reconciliacion y violencia*. Buenos Aires: El Ateneo.
- Brysk, Alison. 1995. *The Politics of Human Rights in Argentina: Protest, Change, and Democratization*. Stanford: Stanford University Press.
- Brysk, Alison. "The Politics of Measurement: The Contested Count of the Disappeared," *Human Rights Quarterly*, Vol.16. (1994): 676-692.
- Buchanan, Paul G. "Exorcising Collective Ghosts: Recent Argentine Writings on Politics, Economics, Social Movements, and Popular Culture," *Latin American Research Review*, Vol.25 No.2. (1990): 177-203.
- Caputo, John. 1987. *Radical Hermeneutics: Repetition, Deconstruction and the Hermeneutic Project*. Bloomington and Indianapolis: Indiana University Press.
- Carroll, David. 1990. "Forward: The Memory of Devestation and the Responsibilities of Thought: 'And let's not talk about that'," In *Heidegger and "the jews"*. Andreas Michel and Mark S. Robert (trans.) Minneapolis: University of Minnesota Press. vii-xxix.
- Catterberg, Edgardo. 1991. *Argentina Confronts Politics: Political Culture and Public Opinion in the Argentine Transition to Democracy*. London: Lynne Rienner Publishers.
- Cohen, Stanely. "State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past," *Law and Social Inquiry*, Vol. 20, No. 1 (Winter 1995): 7-50.
- CONADEP (Comision Nacional Sobre La Desaparicion de Personas). 1984. *Nunca Mas: Informe de la Comision Nacional sobre la Desaparicion de Personal*. Buenos Aires.

CONADEP (National Commission on Disappeared Persons). 1986. *Nunca Mas: The Report of the Argentine National Commission on the Disappeared, with an introduction by Roland Dworkin*, New York: Farrar Straus Giroux.

Cornell, Drucilla. 1992. *The Philosophy of The Limit*. New York: Routledge.

Corradi, Juan. "The Monster of Destruction: Terror in Argentina," *Telos* no. 54 , (Winter 1982-83): 61-76.

Critchley, Simon. 1992. *The Ethics of Deconstruction: Derrida and Levinas*. Oxford: Blackwell.

Derrida, Jacques. 1994. *Specters of Marx: The State of the Debt, the Work of Mourning, & the New International*. Peggy Kam (trans.) New York, London: Routledge.

Derrida, Jacques. 1991. "This is Not an Oral Footnote," In *Annotation and Its Texts*. Stephen A. Barney (ed.) New York: Oxford University Press.

Derrida, Jacques. 1990. "On Representation," In *Transforming the Hermeneutic Context: From Nietzsche to Nancy*. Ormiston, Gayle L. & Schrift, Alan D (eds.) Albany: State University of New York Press.

Derrida, Jacques. 1981. "Implications: Interview with Henri Ronse," In *Positions*. Chicago: Chicago University Press.

Donghi, Halperin Tulio. "Argentina's Unmastered Past," *Latin American Research Review*, Vol.23 No. 2. (1988): 3-24.

Donghi, Halperin Tulio. 1987. "El presente transforma el pasado: el impacto del reciente terror en la Imagen de la historia argentina," In *Ficcion y politica: la narrativa argentina durante el proceso militar*. Daniel Balderston et. al., (eds.) Buenos Aires: Alianza Editorial. 71-95.

Douglas, Mary. 1986. *How Institutions Think*, Syracuse: Syracuse University Press.

Elshtain, Jean Beathke. 1994. "The Mothers of the Disappeared: Passion and Protest in Maternal Action," In *Representations of Motherhood*, Donna Bassin et. al., (eds.) New Haven, London: Yale University Press. 75-91.

Elshtain, Jean Beathke. 1989. "Antigone's Daughters Reconsidered: Continuing Reflections on Women, Politics, and Power," In *Life-World and Politics: Between Modernity and Postmodernity*. Stephen K. White (ed.) Notre Dame: University of Notre Dame Press. 222-235.

Feitlowtz, Marguerite. "Night and Fog in Argentina," *Salmagundi*, Vol. 94-95, (Spring-Summer 1992): 40-74.

Fisher, Jo. 1989. *Mothers of the Disappeared*, London: Zed Books, Boston: South End Press.

Foucault, Michel. 1984. *Foucault Reader*. Paul Rabinow (ed.) New York: Pantheon.

Freud, Sigmund. 1963. *An Autobiographical Study*, Norton Library: *Freud in the Standard Edition*. James Strachey (trans.). New York: Norton.

Freud, Sigmund. 1920. "Beyond The Pleasure Principle," In *Volume 11, On Metapsychology; The Theory of Psychoanalysis, The Pelican Freud Library* (1984). Angela Richards (ed.); James Strachey (trans.) New York, London: Penguin Books. 275-338.

Freud, Sigmund. 1917. "Mourning and Melancholia," In *Volume 11, On Metapsychology: The Theory of Psychoanalysis, The Pelican Freud Library* (1984). Angela Richards (ed.); James Strachey (trans.) New York, London: Penguin Books. 251-268.

Gadamer, Hans-Georg. 1975. *Truth and Method*. G. Barden and J. Cummings (trans. and ed.) New York: Seabury Press.

Gaete, Rolando. 1993. *Human Rights and The Limits of Critical Reason*. Brookfield: Dartmouth.

Gibbs, Robert. 1996. "Why Write? Why Read?" *Chapter 3, Unpublished Manuscript*

Goodrich, Peter. 1990. *Languages of Law: From Logics of Memory to Nomadic Masks*. London: Weidenfeld and Nicolson.

Gray, Evan. "Human Rights: Conviction of Former Argentine Military Commanders For Human Rights Abuses Committed by Subordinates: Decision of the Argentine National Chamber of Federal Criminal and Correctional Appeals," *Harvard International Law Journal*, Vol.27 No.2 (1986):688-698.

Graziano, Frank. 1992. *Divine Violence: Spectacle, Psychosexuality and Radical Christianity in the Argentine "Dirty War"*. San Francisco: Westview Press.

Hanna, Ralph III. 1991. "Annotation as Social Practice," In *Annotation and Its Texts*. Stephen A. Barney (ed.) New York: Oxford University Press.

Hayner, Priscilla B. "Fifteen Truth Commissions— 1974-1994: A Comparative Study," *Human Rights Quarterly*, Vol. 16 (1994): 597-655.

Hodges, Donald C. 1988. *Argentina, 1943-1987: The National Revolution and Resistance*. Albuquerque: University of New Mexico Press.

Hollander, Nancy Caro. 1992. "Psychoanalysis and State Terror in Argentina," *The American Journal of Psychoanalysis*, Vol. 52, No. 3 (1992): 273-289.

Hollander, Nancy Caro. "Psychoanalysis Confronts the Politics of Repression: The Case of Argentina," *Social Science and Medicine*. Vol. 28, No. 7 (1989): 751-758.

Ignatieff, Michael. "Articles of Faith," *Index: On Censorship*. Vol.25, No. 5 September/October Issue 172 (1996): 110-122.

Jelin, Elizabeth. "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives*, Issue 81, Vol. 21 No. 2 (Spring 1994): 34-58.

Jordan, Alberto R.. 1993. *El Proceso: 1976/1983*. Buenos Aires: Emece Editores.

Kristeva, Julia. 1991. *Strangers to Ourselves*, Leon S. Roudiez (trans.) New York: Columbia University Press.

Kristeva, Julia. 1984. *Revolution in Poetic Language*, Leon S. Roudiez (intro.); Margaret Waller (trans.) New York: Columbia University Press.

Kristeva, Julia. 1982. *Powers of Horror: An Essay on Abjection*. Leon S. Roudiez (trans.) New York: Columbia University Press.

Lacan, Jacques. 1992. *The Seminar of Jacques Lacan: Book VII. The Ethics of Psychoanalysis*. Denis Porter (trans.) New York: W. W. Norton.

Lacan, Jacques. 1977. *Ecrits: A Selection*. Alan Sheridan (trans.) New York: W. W. Norton.

Landi, Oscar. 1984. "Cultura y politica en la transicion democratica," In *Proceso, crisis y transicion*. 1 Vol. Oscar Oszlak (ed.) Buenos Aires: Centro Editor de America.

Laub, Dori. 1992. "Bearing Witness or the Vicissitudes of Listening," In *Testimony: Crisis of Witnessing in Literature, Psychoanalysis and History*. Felman, Shoshana and Laub, Dori. New York: Routledge.

Levinas, Emmanuel. 1991. *Otherwise Than Being or Beyond Essence*. Alphonso Lingis (trans.) Dordrecht, Boston, London: Kluwer Academic Publishers.

Levinas, Emmanuel. 1989. "Ethics as First Philosophy" In. *The Levinas Reader*. Sean Hand (ed.) Oxford: Blackwell. 76-87.

Levinas, Emmanuel. 1969. *Totality and Infinity: An Essay on Exteriority*. Alphonso Lingis (trans.) Pittsburgh: Duquesne University Press.

Lingis, Alphonso. 1994. *The Community of those who have Nothing in Common*. Bloomington and Indianapolis: Indiana University Press.

Lyotard, Jean-Francois. 1990. *Heidegger and "the jews"*. Andreas Michel and Mark S. Roberts (trans.) Minneapolis: University of Minnesota Press.

Lyotard, Jean-Francois. 1989. "Levinas' Logic," in *The Lyotard Reader*. Andrew Benjamin (ed.) Cambridge: Basil Blackwell. 275-313.

Lyotard, Jean-Francois. 1988. *The Differend: Phrases in Dispute*. G. Van Den Abbeele (trans.) Minneapolis: University of Minnesota Press.

Macdonald, Michael J.. "Jewgreek and Greekjew: The Concept of the Trace in Derrida and Levinas," *Philosophy Today*, V.35 (Fall 1991): 215-226.

Malamud-Goti, Jaime. 1995. "Punishing Human Rights Abuses in Fledging Democracies: The Case of Argentina," In *Impunity and Human Rights In International Law and Practice*. Naomi, Roht Arriaza (ed.) New York: Oxford University Press.

Manguel, Alberto. "Memory and Forgetting," *Index: On Censorship*. Vol.25, No. 5 September/October Issue 172 (1996): 123-131.

Martini, Juan Carlos. 1981. *La Vida Entera*, Barcelona: Bruguera.

Marx, Karl. 1979. *The Eighteenth Brumaire of Louis Bonaparte*. Vol. II of *Karl Marx-Frederick Engels Collected Works*. Lev Golman and Vladimir Brushlinsky (eds.) London: Lawrence and Wishart. 99-197.

Masiello, Francine. 1987. "La argentina durante el proceso: las multiples resistencias de la cultural," In *Ficcion y politica: La narrativa argentina durante el proceso militar*. Daniel Balderston et. al.(ed.) Buenos Aires: Alianza Editorial. 11-29.

Mellibovsky, Matilde. 1997. *Circle of Love Over Death: Testimonies of the Mothers of the Plaza de Mayo*. Maria and Matthew Prosser (trans.) Willimantic: Curbstone Press.

Mignone, Emilio F. 1992. "Beyond Fear:Forms of Justice and Compensation," In *Fear at the Edge: State Terror and Resistance in Latin America*, Juan E. Corradi, et. al., (eds.) Berkely: University of California Press. 250-263.

Mitscherlich-Nielsen, Margarete. 1989. "The Inability to Mourn --Today," In *The Problem of Loss and Mourning: Psychoanalytic Perspectives*. David R. Dietrich and Peter C. Shabad (eds.) Madison: International Universities Press. 405-426.

Mitscherlich, Alexander and Margarete. 1975. *The Inability to Mourn: Principles of Collective Behavior*, Robert Jay Lifton (preface) Beverley R. Placzek (trans.) New York: Grove Press, Inc.

Neier, Areyh. "What should be done about the Guilty?", *NY. Review of Books*, 1 Feb (1990): 43.

Nino, Carlos Santiago. 1996. *Radical Evil on Trial*. New Haven and London: Yale University Press.

Ocampo, Luis Moreno. "The Nuremberg Parallel in Argentina (panel discussion)," *New York Law School Journal of International and Comparative Law*, Vol. 11 No.1 & 2 (1990): 323-432.

Orentlicher, Diane F. "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *Yale Law Journal*, Vol. 100 No. 7-8 June (1991): 2619-2640.

Ormiston, Gayle L. & Schrift, Alan D. (eds.). 1990. *Transforming the Hermeneutic Context: From Nietzsche to Nancy*. Albany: State Universtiy of New York Press.

Osiel, Mark. 1997. *Mass Atrocity, Collective Memory, and the Law*. New Brunswick, London: Transaction Publishers.

Osiel, Mark. "The Making of Human Rights Policy in Argentina: the Impact of Ideas and Interests on a Legal Conflict," *Journal of Latin American Studies*. V.18 (May 1986): 135-180.

Peralta-Ramos Monica & Waisman Carlos. 1987. *From Military Rule to Liberal Democracy In Argentina*. Boulder:Westview Press.

Perelli, Carina. "Settling Accounts with Blood Memory: the Case of Argentina," *Social Research*, Vol. 59, No. 2 (Summer 1992): 414-451.

Piglia, Ricardo. 1980. *Respiracion Artificial*. Buenos Aires: Sudamericana.

Piglia, Ricardo. 1994. *Artificial Respiration*. Daniel Balderston (trans.) Durnham: Duke University Press.

Reati, Fernando. 1992. *Nombrar Lo Innombrable*. Buenos Aires: Legasa.

Reati, Fernando. "Argentine Political Violence and Artistic Representation in Films of the 1980's," *Latin American Literary Review*. Vol. 17, July/Dec (1989): 24-39.

Redhead, Steve. 1995. *Unpopular Cultures: The Birth of Law and Popular Culture*. Manchester, New York: Manchester University Press.

Rorty, Richard. 1989. *Contingency, Irony, and Solidarity*. Cambridge: Cambridge University Press.

Sarlo, Beatriz. 1992. "Strategies of the Literary Imagination," In *Fear at the Edge: State Terror and Resistanc in Latin America*. Juan E. Corradi, et. al. (ed.) Berkely: University of California Press. 236-249.

Sarlo, Beatriz. 1989. "Intellectuals: Escision or Mimesis?," In *The Redemocratization of Argentine Culture: 1938 and Beyond*. David William Foster (ed) Tempe: Arizona Board of Regents. 49-59.

Sarlo, Beatriz. 1987. "Politica, ideologia y figuracion literaria," In *Ficcion y politica: La narrativa argentina durante el proceso militar*. Daniel Balderston et. al. (eds.) Buenos Aires: Alianza Editorial. 11-29.

Shaw, Ed. 1994. "Mapping the Interstates of the Mind: Guillermo Kuitica: an interview with Ed Shaw," In *Art from Argentina: Argentina 1920-1994*. David Elliot (ed.) London: Museum of Modern Art Oxford.

Silvestri, Graciela & Gorelik Adrian. "Buenos Aires: A City Tries to Recognize Itself," In *NACLA: Report on the Americas*, Vol.XXVIII No. 4 Jan/Feb (1995):28-31.

Simon, Roger I. and Eppert, Claudia. "Remembering Obligation: Witnessing Testimonies of Historical Trauma," *Canadian Journal of Education*, Vol. 22 No. 2 (1997): 175-191.

Simon, Roger I. 1997. "On a Praxeological Method for the Study of Third-Order Witnessing," *Testimony and Historical Memory Project Working Paper*. Unpublished.

Sophocles. 1958. *The Oedipus Plays of Sophocles*. Paul Roche (trans.) New York: Mentor Books.

Speck, Paula K. "The Trial of the Argentine Junta: Responsibilities and Realities," *The University of Miami Inter-American Law Review*, Vol.18 No.3 (1987): 491-534.

Suarez-Orozco, Marcelo. 1992. "A Grammar of Terror: Psychocultural Responses to State Terrorism in Dirty War and Post-Dirty War Argentina," In *The Paths to Domination, Resistance, and Terror*, Carolyn Nordstrom and JoAnn Martin (eds.) Berkeley Los Angeles, Oxford: University of California Press. 219-259.

Suarez-Orozco, Marcelo. "Speaking of the Unspeakable: Toward a Psychosocial Understanding of Responses to Terror," *Ethos*, Vol. 18 No. 3 (1990): 353-383.

Sznajder, Mario. 1995. "Entre autoritarismo y democracia: El legado de violaciones de derechos humanos," In *El legado del autoritarismo: Derechos humanos y antisemitismo en la argentina contemporanea*, Leonardo Senkman and Mario Sznajder (eds.) Buenos Aires, Jerusalem: Instituto Harry S. Truman, Universidad Hebrea, Grupo Editor Latinoamericano.

Taylor, Diana. 1997. *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's 'Dirty War'*, Durham and London: Duke University Press.

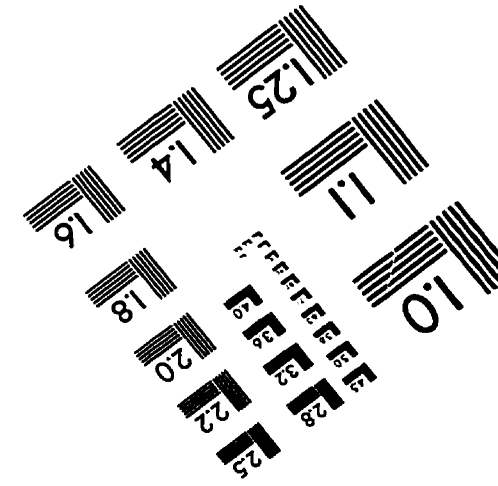
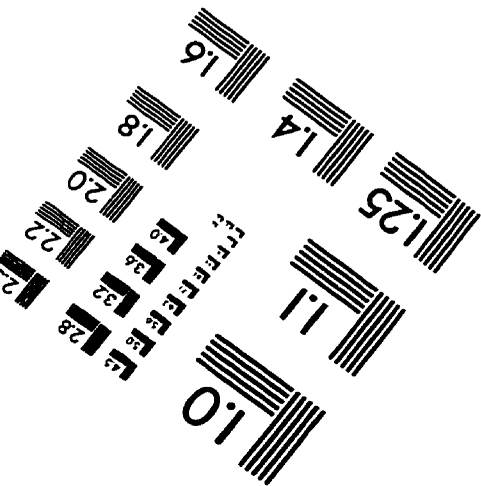
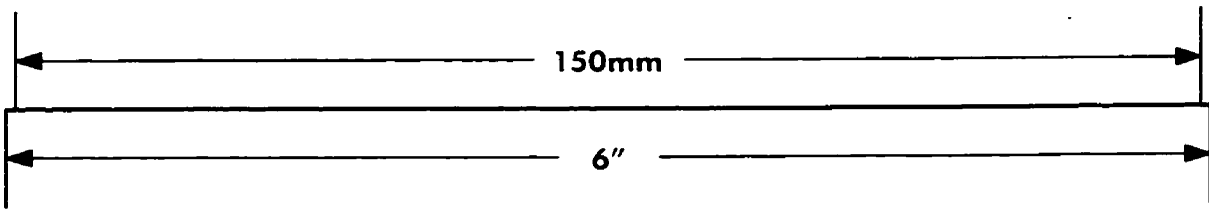
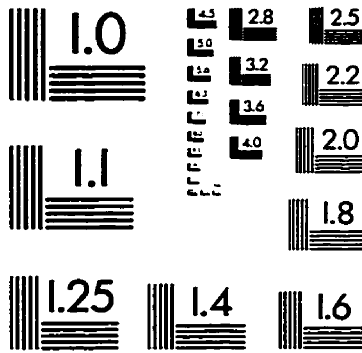
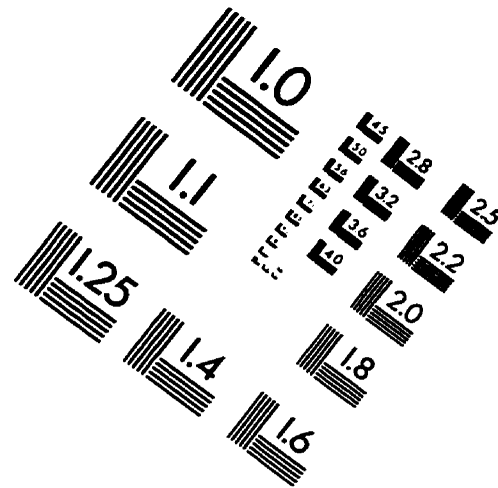
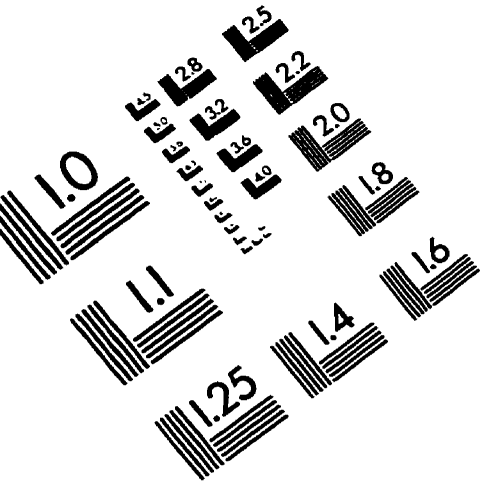
Torre, Javier & Zaffaroni, Adriana. 1989. "Argentina: Its Culture During the Repression and During the Transition," In *The Redemocratization of Argentine Culture: 1938 and Beyond*, David William Foster (ed.) Tempe: Arizona Board of Regents. 11-21.

Volkan, Vamik D. 1996. "Intergenerational Transmission and 'Chosen' Traumas: A Link Between the Psychology of the Individual and that of the Ethnic Group," In *Psychoanalysis at the Political Border*, Leo Rangell and Rena Moses-Hrushovski (eds.) Madison: International Universities Press. 257-282.

Wangh Martin. 1996. "The Working Through of the Nazi Experience in the German Psychoanalytic Community," In *Psychoanalysis at the Political Border*, Leo Rangell and Rena Moses-Hrushovski (eds.) Madison: International Universities Press.

Weschler, Lawrence. 1990. *A Miracle, a Universe: Settling Accounts with Torturers*. New York: Penguin.

IMAGE EVALUATION TEST TARGET (QA-3)



APPLIED IMAGE, Inc
 1653 East Main Street
 Rochester, NY 14609 USA
 Phone: 716/482-0300
 Fax: 716/288-5989

© 1993, Applied Image, Inc., All Rights Reserved