

NARRATOLOGY, RHETORIC, AND TRANSITIONAL JUSTICE:
THE FUNCTION OF NARRATIVE IN REDRESSING
THE LEGACY OF MASS ATROCITIES.

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Abstract

This doctoral dissertation, *Narratology, Rhetoric, and Transitional Justice: the Function of Narrative in Redressing the Legacy of Mass Atrocities*, examines the extent to which the success and feasibility of human rights tribunals and truth commissions are dependent upon the ways in which the past is “narrativized”¹ in State-sponsored legal reports and subsequently promulgated through the stories we tell. Juxtaposing three historical cases that have constituted transitional justice according to divergent ideological paths, *Narratology, Rhetoric, and Transitional Justice* compares and cross-references the final reports on three high-profile transitional justice cases: the Nuremberg tribunals (1945-49), the Argentine “Trial of the Juntas” (1985), and the Canadian Truth and Reconciliation Commission (2008-15), to study the ways in which these reports have shaped the collective or national memories of various historical traumas. The dissertation examines how the final reports on truth commissions and war crimes tribunals deploy a highly sophisticated set of rhetorical and narratological techniques in order to fix a single, specific version of historical events in the cultural memories with disparate aims in bringing together a fractured nation. By highlighting the significant degree of artistry that go into preparing these reports, it examines how and why transitional governments are often motivated to frame historical violence in order to elicit collective feelings of outrage, shame, guilt, or forgiveness. *Narratology, Rhetoric, and Transitional Justice* thereby illustrates how transitional justice practices mobilize blueprints for reconciliation, restoration, or retribution through the recovery and narrativization of traumatic memories, and how these respective sentiments have facilitated the implementation of subsequent political and economic policies by the transitional governments. A key aspect of this analysis centers on the unique ability of “final reports” to

contextualize national traumas by designating precisely *which* crimes were committed, *by* and *against* whom, by regulating *whose* testimony is to be included and/or excluded from the “master narrative,” and by articulating the appropriate measure of justice that ought to be faced by the perpetrators. As the apotheosis of the transitional justice process, my research demonstrates that truth commission reports not only present their mercurial and highly contentious histories as binding, legally-validated, and irrefutably “fixed” versions of a series of often dubious events, but they also effectively situate each citizen within the “victim/perpetrator” and “innocent/guilty” binary ethical paradigms upon which the judicial system is grounded. Negotiating the final reports on truth commissions and human rights tribunals as historical non-fiction texts, these case studies weigh their reports alongside other vehicles of cultural storytelling (including historical novels, films, ballets, etc.).

¹ The focus of this slightly awkward but useful word “narrativized” is on the *how* of the narrative telling. Differentiated from its etymological kin “narrate,” the term “narrativize” is meant to emphasize the *performance* of (or *carrying out of*) the narrative-writing endeavor by the author or speaker. “Narrativize,” therefore, foregrounds both the action (narration) and the specific person or persons who perform that action.

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Introduction:

Since the mid nineteen-forties, following a century marked by countless genocides, apartheid, and varying atrocities carried out by a host of autocratic and democratic states alike, nations across the world have increasingly turned to transitional justice practices as a means of addressing their tumultuous and violent histories. Signaling a mutual relationship between legal *justice* and a nation's political and cultural *transition* from a period of despotism into a new paradigm of restoration (and in some cases reconciliation), the term *transitional justice* has since become synonymous with the emergence of human rights discourse.

Although the emergence of the transitional justice movement can be traced back to the Nuremberg Trials, conceived to aid Germany's transition to democracy following World War II and from which our modern concept of "human rights" was founded, the field gained full momentum in the nineteen-eighties following the trials of former military junta members in Greece and Argentina (Arthur 322) and following José Zalaquett's seminal article, "Confronting Human Rights Violations Committed by Former Governments," written for the 1988 Aspen Institute conference.

As the foremost representative of this global human rights movement, the United Nations Security Council considers the various instruments of transitional justice to include "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation" (UN, "Rule of Law" 4). Whether confronting past civil disputes, histories of systematic racial, ideological, or gendered discrimination, or the transition from a period of authoritarian rule to a new democratic chapter in countries' histories, a host of transitional justice mechanisms have been embraced to an increasing extent by both

established and emerging democracies in the ensuing decades. International tribunals, truth commissions, punitive actions, official state apologies, and symbolic or financial reparations are just some of the instruments that these nations have turned to in an ongoing attempt to address and/or redress traumatic chapters in their history.²

As a relatively contemporary socio-political and ethical movement that has rapidly developed and diversified since its emergence just six decades ago, the field has enjoyed immense success as a topic *du jour* in academic, legal, and humanitarian circles. Yet, despite the increased scholarly attention paid to the many socio-political, judicial, and ethical intricacies of implementing this range of processes on a national and transnational scale, very little consideration has centered on an oft-overlooked, yet crucial underlying component in the successful unfolding of the transitional process: the extent to which transitional justice practices directly shape a nation's collective understanding and shared memories of its own past. *Narratology, Rhetoric, and Transitional Justice: the Function of Narrative in Redressing the Legacy of Mass Atrocities* therefore maps the unique "history-writing" potential of truth commissions, human rights tribunals, and war crimes trials by examining the rhetorical, historiographic, and partisan strategies that transitional governments have implemented in order to guide the public's perception and understanding of its own history.³

Specifically, both within the courtroom and in the "Final Reports" of the tribunals and truth commissions, storytelling devices comprising sophisticated sets of rhetorical and narratological techniques emerge as central. *Storytelling* connotes fiction, which might seem ironic in the context of a trial or a truth commission, and the irony is part of the issue being examined in this dissertation. Truth can be told and communicated in writing to a public. In the three exemplary cases under study, namely the Nuremberg War Crimes Tribunals (1946-1949), the Argentine "Trial of the Juntas" (1984), and the Canadian Truth and

Reconciliation Commission (2015), various rhetorical and narratological techniques are employed to generate the elements of *story* as such, which artistically *convey* truth in order to captivate the imagination and the affective engagement of a reading public. That public is arguably first a national public and the *story* is principally the State's official version of events in the cultural memories of a nation. Operating at the intersection of literary studies, memory studies, and transitional justice practices, this dissertation serves as a sustained critical investigation into the history-writing aspect of transitional justice reports and into the complex ways in which TRCs and human rights tribunals shape the political, cultural, and ideological contexts according to which national traumas are absorbed into the cultural storytelling process. Simply put, what is brought into focus is the relationship between the crafting of national histories and the emergence of cultural memories in the wake of collective traumas. When analyzed comparatively alongside other vehicles of cultural storytelling, for instance, historical novels, films, plays, and visual art, transitional justice reports emerge as a unique genre of historical non-fiction.

I approach truth commission reports from a "literary perspective" by attending to the significant degree of artistry that goes into their composition and underscoring their unique rhetorical and narratological nuances. Since, in many cases, these critical historical and legal texts are carefully crafted by (or with the help of) prominent literary authors – including Argentine novelist Ernesto Sábato, Moroccan poet Salah El Oudie, and Chilean journalist Gonzalo Vial Correa – I suggest that truth commission reports lend themselves to a rigorous "literary interpretation." In contrast to other scholars who have merely interpreted these reports as the formal records of judicial processes that objectively reflect a nation's values and moral codes, this project instead suggests that the political and ethical vicissitudes of "truth" and "reconciliation" are better understood as being shaped by the rhetorical

devices employed from within these texts, themselves (including the visual rhetoric of photographs).

By juxtaposing three historical cases that have constituted transitional justice according to divergent ideological paths and with disparate aims in bringing together a fractured nation, my research examines how and why transitional governments are often motivated to frame historical violence in order to elicit collective feelings of outrage, shame, guilt, or forgiveness. My research illustrates how transitional justice practices are capable of mobilizing blueprints for reconciliation, restoration, or retribution through the recovery and narrativization of traumatic memories, and by either empowering or silencing individuals by categorizing those who have been impacted by historical violence as victims, heroes, bystanders, or perpetrators.

In the following chapters, I demonstrate that the narrative “framing” of victim-testimony and the rhetorical and narratological nuances of various transitional justice practices directly participate in shaping public and cultural perceptions of whether the appropriate form of “justice” for their respective national traumas is to be grounded in a desire for revenge and retribution, or on the other hand, in a notion of forgiveness and reconciliation. As such, this dissertation demonstrates that the promise and feasibility of punitive, restorative, or reconciliatory justice are each intimately linked to the ways in which the past is “narrativized” in these reports and accordingly remembered *as a community* through the stories we tell.

Whether and how the perceived “truths” of the past can be forged into a common history that might serve to reconcile a divided nation and reconstruct a new transitional society is a question that is only beginning to be addressed. But, as a thoroughgoing

examination of the history-making capacity of truth commission reports, *Rhetoric, Narratology, and Transitional Justice* fleshes out a critical and urgent framework for this endeavor.

Transitional Justice Reports as a Unique Genre of Historical Non-Fiction:

Capping off the transitional justice process, truth commission reports serve as both the symbolic and administrative culmination of the traumatic period, summarizing and encapsulating the legal undertakings (in the form of investigations, tribunals, or state commissions), while also providing a concise history of the crimes that were committed by all parties involved. The final reports on truth commissions therefore function as ceremonial historical-legal narratives that weave together testimonies, confessions, and other historical documents into a concise (and seemingly exhaustive) narrative account of the previous tumultuous period, while also offering recommendations for disciplinary or reparative justice in the present. Incorporating elements of narrative histories, legal transcripts, and political constitutions, these reports clarify and contextualize a series of unresolved and mercurial events into a comprehensible “story” by presenting their histories as chapters that are now effectively closed, all the while presenting a carefully crafted vision for the future that encapsulates the political, ideological, and ethical aims of the transitional government.

As the discursive embodiment of transitional justice practices, truth commission reports narrate the investigation and prosecution of large-scale crimes on a national or transnational stage, bringing together a fractured society under the judicial and symbolic auspices of either “healing” or “retribution” (or a combination of both). Through their unique capacity to synthesize the political, legal, and socio-cultural components of the

transitional process, truth commission reports are decisive history-making instruments, insofar as they establish the symbolic parameters that mark the ostensible “beginning” and “end” of national traumas and the corresponding starting point for the transition toward “reconciliation” or “justice.”

My analysis of truth commission reports differs from previous academic approaches by proposing that the most vital consideration of the transitional justice process is the degree to which the fractured community coheres around a shared historical account of the previous traumatic period, while also acknowledging that a nation’s successful transition into a new cultural paradigm of healing and restoration is dependent on a diverse array of socio-political, cultural, economic, and ideological factors. If a nation is willing to embrace a specific historical narrative – for instance, that a military regime were aggressors who inflicted a precise series of injustices upon a clearly-demarcated group of victims – then, in bringing the two groups together and enacting a suitable course of disciplinary action, the nation believes that it can genuinely begin the process of “healing.” As such, the promise and feasibility of truth commissions and war crimes tribunals is intimately linked to the ways in which the past is “narrativized”⁴ and accordingly remembered *as a community* through the stories told.

As the “official” historical records of the years of trauma, truth commission reports directly participate in shaping the public and cultural perception of whether the appropriate form of “justice” for their respective traumas ought to be grounded in a desire for revenge and retribution or, on the other hand, in a notion of forgiveness and reconciliation. These final reports, which increasingly serve as the crowning achievement of transitional justice processes, therefore directly shape the ways in which national traumas are absorbed into the cultural storytelling process and are subsequently engrained in the nation’s collective

memories, all the while explicitly precipitating the collective shame, fear, sadness, or guilt that emerge from the shadows of the cultural traumas toward which they attend.

As the apotheosis of the transitional justice process, final truth commission reports contextualize national traumas by designating precisely *which* crimes were committed, *by* and *against* whom, by regulating *whose* testimony is to be included and/or excluded from the “master narrative,” in which context these testimonies are to be presented, and by articulating the appropriate measure of justice that ought to be faced by the perpetrators; and all of this designation is accomplished through the employment of highly sophisticated rhetorical and narratological devices. Functioning as ostensible “master” historical narratives, truth commission reports not only present their mercurial and highly contentious histories as binding, legally-validated, and irrefutably “fixed” versions of a series of often dubious events, but they also effectively situate each individual who has been impacted by the traumatic events within the “victim/perpetrator” and “innocent/guilty” binary ethical paradigms upon which judicial systems are grounded. While the categorization of a nation’s population according to these capricious groupings may appear to be a seemingly incidental outcome of any judicial exercise, they are also pivotal influences on the formation of cultural memories, often having a “flattening” or “simplifying” effect on the narration of complex historical events.

As the ostensible “master” historical narratives of a nation’s traumatic past, the circumspect composition of these reports is deeply suffused with the politics of cultural remembrance. These reports – which serve as the primary documents in the education and *re*-education of future generations – memorialize the past in a permanent form, indicating to future generations that this is the “official” version of the past to be remembered and retold.

Transitional Justice and the “Frameworks” of Cultural Remembrance:

In negotiating the complex ways in which these State-approved and legally endorsed historical reports influence, shape, and otherwise interact with the emergence of “collective” memories in a “cultural” setting, we must therefore distinguish at the outset exactly what we mean by these two correlative terms. As Astrid Erll and Ann Rigney note, “[w]here earlier discussions of *collective* memory had a thematic focus and were concerned above all with identifying the ‘sites of memory’ that act as placeholders for the memories of particular groups, attention has been shifting in recent years to the *cultural* processes by which memories become shared in the first place” (113, italics mine). Following Erll and Rigney, I consider “cultural memory” to be a type of “*umbrella term* to describe the complex ways in which societies remember their past using a variety of media” (Erll and Rigney, 111). In the forthcoming chapters, “cultural memory” therefore refers to the various cumulative methods by which a society narrativizes, visualizes, or otherwise documents the past *within a social or cultural context*, including the registering of the past within literary, visual, or oral practices.

However, as elucidated by Maurice Halbwachs in his quintessential work *On Collective Memory* (1925), all collaborative or communal memories, including his original formulation of “collective memories” as the shared psychic impressions of the past by a society, are nearly always constituted according to what he calls “social memory frameworks”: a set of prevailing ethical and cultural values that define a given historical epoch and accordingly shape and define the shared memories in question. On that account, “cultural memories” emerge in accordance with these antecedent and *a priori* socio-ethical frameworks that implicitly condition and inform a society’s collective memories from the outset. Put simply, Halbwachs maintains that if we hope to engage reasonably with and interpret a society’s

cultural memories (as represented through the myriad narratives and visualizations of its shared past), we must *first* acquaint ourselves with the foundational ethical codes and cultural values that govern that society. Only then can we truly begin the process of examining the form and content of the collective “memoryscapes” themselves.⁵ Following this reasoning, I contend that large-scale judicial inquiries, such as truth commissions and human rights tribunals, both *shape* and *reflect* a society’s politics and ethics with as much clarity and vitality as other socio-cultural institutions, such as laws and government policies. In light of this conceptual interpretation of the social frameworks of collective or cultural memories, this dissertation serves as a critical and thoroughgoing interrogation of the politics and ethics of collective remembrance. Given the increasing prominence of transitional justice practices in shaping and regulating the construction of national memories, it is critical that we engage in a thoroughgoing analysis of the ways in which shared memories are subsequently absorbed into the cultural storytelling process, and how these cultural memoryscapes reflect and reinforce a specific set of ethical values within a volatile political and legal context.

Following Erll and Rigney, I propose that various objects of cultural production – novels, photographs, memoirs, monuments, museums, etc. – participate in the mutual formation of what we might call a “topography” of shared memory-images, according to which our shared cultural impressions of the past are informed. As Erll and Rigney suggest, readers today “all have some ‘recollection’ of the First World War, but since most readers were not alive in 1914, these ‘recollections’ are vicarious ones, the product of accumulated exposure to a common reservoir of products, including photographs and documentaries, museums, personal accounts, histories and novels” (111). Following the idea that literature “makes remembrance observable... [and] helps produce collective memory” (Erll and Rigney 113), my research centers on the hypothesis that the stockpile of cultural artifacts

produced from within, or in the wake of, national traumas creates and sustains our collective remembrances of these events.

This approach to the history-writing and memory-making capacity of literature approximates John Hersey's oft-quoted assertion that our shared knowledge of historical events is, more often than not, shaped by historical novels as opposed to conventional histories and journalistic reporting. In his acclaimed essay, *The Novel of Contemporary History* (1949), Hersey writes:

Most of us know what little we do of the Napoleonic wars, not from histories, but from Tolstoy's *War and Peace*. Of the American Civil War, not from the voluminous military commentaries ...but from Crane's *The Red Badge of Courage* and the stories of Ambrose Bierce and Margaret Mitchell's *Gone With the Wind*; of the Spanish Civil War, not from news dispatches from the time, but from Hemingway's *For Whom the Bell Tolls* and Malraux's *Man's Hope*.... (1-2)

That these novels continue to serve as the foundation for inter-generational memories of a nation's shared past emphasizes the notion that historical knowledge is nearly always preserved by posterity. Extending Hersey's assertion beyond the exclusive realm of literature to include visual art, film, and public memorials, I contend that this type of complex interplay between the various media of cultural remembrance – which continually challenge, inform, and build upon one another – produces what we might call a “field of mutual public remembrance” (or what Kendall R. Phillips and G. Mitchell Reyes refer to as the “memoryscape”) of a nation's shared past. As such, my methodological approach hinges on the aforementioned assumption that all public acts of remembrance are the collaborative

product of a multi-media tapestry of various mnemonic works, in the sense that historical novels are informed by photographs, films by oral testimonies, monuments by written stories, and *vice versa* in a reciprocal nexus of what Michael Rothberg calls the “ongoing negotiation, cross-referencing, and borrowing” (3) of cultural artifacts. Ultimately, as Erlil and Rigney, Phillips and Reyes, and Rothberg each suggest, this multi-media pastiche of memory products contributes to a general visual/narrative account of the historical events in question that is always already pregnant with a host of ethical and cultural suppositions, and which – when taken as a whole – can be regarded as the “cultural remembrance” of our shared past.

In particular, it is critical to weigh the complex ways in which such cultural artifacts interact with, challenge, and inform the seemingly “official” State-sanctioned truth commission reports, which hold a disproportionately esteemed position within this nexus of memoryworks based on their ostensible status as legally-binding accounts of the historical events in question. Unlike the relatively mercurial “histories,” “voluminous military commentaries,” and “news dispatches” against which Hersey weighs the finest works by such literary greats as Tolstoy, Mitchell, and Hemingway, these increasingly prominent truth commission reports have steadily furnished our collective psyche with enduring and seemingly unshakable historical narratives of many of the most heinous and tragic historical events of the twentieth and twenty-first centuries; and they have done so by successfully employing the unique set of rhetorical and narratological practices available to the historical novel as a distinct form of “truth-telling.” Within these cases studies, I am therefore operating at the intersection of literature, art criticism, memory studies, and transitional justice, by examining precisely how the literature, films, and public memorials in transitional

societies inform and are informed *by* the calculated writing of history associated with human rights tribunals and truth commissions.⁶

As a unique synthesis of traditional historical narratives, historical fiction, and government/legal documents, truth commission reports serve as a rich site for an exploration of the way(s) in which the politics of cultural remembrance explicitly inform and are informed *by* our transitory understanding of individual rights, moral responsibilities, national and individual identities, and, in a broader sense, our understanding of good and evil, through the stories we tell about our past. This project, therefore, concerns itself with how these constantly shifting mnemonic narratives are instrumental in shaping and re-shaping the social, cultural, political, and in some cases even the geographic landscapes of post-conflict nations (and those constituted by similar post-traumatic “truth regimes”⁷) according to the manner in which the past is collectively evoked and re-interpreted. In so doing, I make critical interventions into two distinct fields, “memory studies” and “transitional justice,” with a specific focus on the links *between* them.

In weighing truth commission reports alongside a constellation of cultural texts that share in the production of post-transition collective memories (including historical novels, testimonies and confessions, films, photography, and visual art), it is possible to map out how each narrative interacts with, challenges, or informs one another in the evolution of a nation’s collective psyche after a shared trauma.

I, therefore, ultimately adhere to a theoretical paradigm similar to Pierre Bourdieu’s literary sociology, which views the text as both a *product of* external social and political forces, while also having the capacity to exert significant *influence on* the collective consciousness of a society. In applying Bourdieu’s methodology to transitional justice reports (as artistic constructs deserving of a rigorous literary analysis), as well as to the nexus of visual, literary,

and cinematic works with which they interact, I approach and engage with each of these texts in terms of their ability to reveal information about the social world that they portray, as well as their ability to exert influence on the public understanding of the historical events in question. In this sense, my research is predicated on the supposition of an inherent homology between the social and literary worlds – the idea that the imaginary world of the text pertains to the collective consciousness of a community, whose members both take in and reproduce the structures of power and social categories embodied by the narrative structures of the text.

However, as narrative histories of extreme trauma, transitional justice reports also perform an additional set of abreactive or cathartic functions for their audience and, therefore, produce a distinctive type of “post-traumatic” knowledge upon which cultural memories are forged. Insofar as transitional justice reports aim to summarize and clarify a series of devastating and injurious events, the specific history-writing and memory-shaping aspects of transitional justice reports are also fraught with a host of psychological and emotional considerations that must also be attended to.

As Cathy Caruth notes, traumatic events, whether experienced by an individual, or a *community* of individuals, represent a radical psychical shattering that necessitates a desperate effort by the traumatized to repair the irreparable or to understand the incomprehensible. This experience of devastation, Caruth insists, “suggests a certain paradox: that the most direct seeing of a violent event may occur as an absolute inability to know it” (“Traumatic Awakenings” 208). For the German people faced with the realities of the Holocaust following the end of the war, the millions of Argentinians who witnessed the brazen and horrifying atrocities carried out by their government in full public view, or the generations of Indigenous peoples across Canada who have carried the torment of the residential schools

from one generation to the next, the mere ability to *know* or *verify* many of the facts about the events does not necessarily entail a *comprehension* of them.

Radical trauma is therefore, as Giorgio Agamben puts it, only ever experienced as an “aporia of historical knowledge: a non-coincidence between facts and truth, between verification and comprehension” (12). Since the experience of a traumatic episode precludes one’s immediate ability to comprehend it in its fullness, the trauma can only be returned to through flashbacks, nightmares, or other delayed attempts at understanding. Trauma, then, becomes a form of interpretive madness that can only be resolved – if at all – through a retroactive re-narrativization or re-imagining, in which the wounded party regains control over the events retroactively.

This “belatedness of trauma,” as Caruth refers to it, is the fundamental paradox of traumatic experiences; “since the traumatic event is not experienced as it occurs, it is fully evident only in connection with another place, and in a another time” (7). For Caruth, and Sigmund Freud before her, trauma becomes an impossible quest of returning to the scenes of distress, an attempt to re-enact the traumatic moment in order to retrieve the irretrievable and, ultimately, to achieve mastery over it.

This, according to Caruth, is a fundamental benefit of post-traumatic narratives. Stories about violent events offer a coping mechanism for victims by presenting something close to an intelligible account of their experiences. By attempting to make sense of the past, historical accounts of violent events fill a lacuna between history and understanding, and provide the public with a story that they can coalesce around as a community.

The potential for narrative abreaction explains the unlikely literary success of many government reports, including the highly successful *9/11 Commission Report* (2004), which provided an accessible and straightforward account of what was a deeply traumatic

experience for many Americans. Like the Canadian and Argentine reports examined in the forthcoming chapters, the *9/11 Report* was written in a “riveting” literary style, yet was validated by the authority of the nation’s highest court. Heralded as an “improbable literary triumph” by New York Times critic Richard Posner (“9/11 Report: A Dissent”), the report signaled to the public that the attacks had been thoroughly investigated by the administration and, and upon its publication, signified a symbolic resolution to the trauma.

Besides topping several bestseller lists and being named a finalist for the 2004 National Book Award, the *9/11 Commission Report* became an intrinsic and vital part of the cultural storytelling fabric of the nation. In the years following its publication, the report spawned several adaptations, including a graphic novel by Sid Jacobson and Ernie Colón, a television miniseries starring Harvey Keitel and Mark Wahlberg (“*The Path to 9/11*”), and a documentary film narrated by Kevin Costner and Hilary Swank (*On Native Soil*). As the commission’s narrative became increasingly entrenched in the nation’s cultural consciousness with each adaptation, the report provided the American public, still struggling to make sense of the devastation, with a sense of collective mastery over the attacks.

This, I contend, is a paramount function of transitional justice reports. When a nation is able to rally together around a shared narrative of their traumatic past – when they are able to declare, as a community, that *this* is what happened, and *these* are the people responsible, and *here* is how we will deal with it – they are in a position to conjointly take ownership of the trauma and, ultimately, achieve mastery over it.

Transitional Justice in Historical Context – The Conflicting Cases of Germany, Argentina, and Canada:

It is crucial to begin, therefore, by situating the origins of transitional justice practices with the emergence of international judicial proceedings in the mid-twentieth century – particularly the Nuremberg trials – which have then continued with the implementation of dozens of truth commissions and criminal tribunals as well as the formation of the International Criminal Court, the International Court of Justice, and the legitimization of Universal Jurisdiction under the auspices of the latter two organizations. As these continually developing organizations and institutions interact with, inform, and challenge one another, with each new truth commission building upon the last, the transnational “social-frameworks” of post-traumatic cultural memories continue to evolve with, against, and amongst one another. As the cultural, political, and judicial machinery of these organizations evolve and grow over time, so too do the corresponding history-writing mechanisms that attend to them. Each new instantiation of the transitional justice process brings with it new and novel means of consciously crafting a nation’s history through the incorporation of testimonies and confessions from exiles, transnational witnesses, and as the wider diaspora in general are integrated into the transitional justice history-writing endeavor. Whether and how the “truths” of the past can be forged into a common history that might serve to reconcile a divided county and reconstruct a new transitional society are questions that are only beginning to be addressed.

While final truth commission reports have taken many forms, styles, and structures over the last six decades, ranging from placid legal documents to riveting literary-style narratives, the unifying characteristic of each report has remained the unique type of history-

writing to which it adheres. As histories that are written *not* by historians but by state or legal agents, truth commission reports are narratives *about* the past, with clear political, legal, and ideological aims. In other words, these are histories with a specific and unequivocal purpose – meant to shape public opinion and guide their readers toward a clearly defined set of political and cultural outcomes. While they might, at first glance, appear as traditional, seemingly objective historical studies, truth commission reports are nevertheless a form of history-writing *as a means to a political end*, meant to persuade their audience to embrace a set of legal and political aims based on the particular brand of “justice” upon which the truth commissions are predicated.

Framing their judicial proceedings according to either the “punitive,” “restorative,” or “reconciliatory” justice models, truth commissions and human rights tribunals are often implicitly predicated on a series of deducible economic and political outcomes desired by the incoming transitional government. Contingent upon the specifics of these desired outcomes, truth commissions and war crimes tribunals are thereby framed according to the ideological conviction that the most appropriate path to national healing is through the judicial emphasis of either: a) the open, and often publicly lauded, punishment of the perpetrators via retributive justice; b) the nullification or minimization of legal and moral “blame” followed by a commensurate call for a return to the pre-traumatic state of political, economic, and cultural “status quo”; or c) reconciliation and rehabilitation by bringing together both victims and perpetrators, with the aim of fostering a new cultural and political relationship based on a dialogue of healing and forgiveness. Each of these judicial frameworks represents a competing conception of “justice” and therefore espouses its own distinct set of ethical and cultural principles for the ways in which histories are narrated.

In the case of postwar Allied-occupied Germany, the *punitive* approach of the Nuremberg Trials produced an historical narrative of the Nazi years that was intended to punish the former Nazi leaders while simultaneously inducing a general sphere of guilt amongst the wider German population in order to aid in the denazification and Westernization of the nation's political and economic establishment. The Allied commissioners of the Nuremberg tribunals had hoped that an internalized sense of guilt and remorsefulness would encourage and hasten the German peoples' capitulation to American values by transferring the moral guilt (and subsequent shame) of the Nazi leaders onto the general populace, with some propaganda posters explicitly declaring: "This is your fault!" (See Fig. 2.1 and Fig. 2.2). The historical narrative that the *Nuremberg Report* puts forth, therefore, is one that at times both insinuates and explicitly accuses average German citizens of complicity in the Nazi crimes in order to induce them into surrendering any remaining fidelity to Nazi ideology in favor of American neoliberal economic and political reform in the occupied territory.

Contrary to Nuremberg's "punitive" strategy, the Argentine *Nunca Más* report, instead took up a *restorative* approach to the historical violence of the 1970s. Following the return of democracy, the National Commission on the Disappeared Persons attempted to quell public outrage directed at members of the former dictatorial regimes by diminishing the value of disciplinary action. Instead, the commission insisted that horrible acts were committed by "both the extreme right and the far left" (*Nunca Más* 1), and proposed that both groups, the authoritarian regimes and the anti-fascist resistance groups, were equally responsible for terrorizing the nation. In contrast to the accusatory tone of the Nuremberg Report, which shamed the general public for allowing such a degenerate regime to come into power, *Nunca Más* instead attempted to persuade its readers that they were, in fact, the true

innocent victims, while those who were murdered and tortured by the juntas were likely associated with violent terrorist groups. By framing the historical violence according to a narrative that attempted to flatten out all moral guilt, *Nunca Más* would present the general public with the view that the most prudent path forward would be one that would simply close the book on Argentina's traumatic past in favor of political and economic *restoration*. The history-writing objectives of the *Nunca Más* report, funded by the newly-elected Raúl Alfonsín government, aimed, then, to conclude that chapter of history in order to put an end to the thousands of costly court cases and investigations into those accused of violence during the dictatorships and to refocus government resources on restoring the national economy. Indeed, once the Alfonsín government had succeeded in bringing the costly tribunals to an end following the implementation of the "Full Stop Law" (which established a sixty day deadline for the filing of lawsuits in 1986, a year and a half after the report had been published), *Nunca Más* was considered by the governing party to have accomplished its goal and was subsequently taken out of print (Crenzel, "Genesis" 30).⁸ As opposed to the "punitive" framework of the *Nuremberg Report*, which told a story of the past that would be used to *discipline* West German citizens, the "restorative" approach of the *Nunca Más* report instead attempted to persuade Argentines to symbolically *move on* from the trauma of the 1970s in order to restore the political and economic infrastructure of the nation. In each case, the respective truth commission reports narrated a version of history that was intended to persuade their audience to take up a specific set of ideological beliefs that would facilitate the political and economic intentions of the newly instituted transitional government.

On the other hand, several recent truth commissions have opted to eschew both the "punitive" and "restorative" framework in favor of a *reconciliatory* approach. Like the South African commission before it, the *Final Report on the Canadian Truth and Reconciliation*

Commission narrativized a version of Canada's history of the residential school system that aimed to persuade its audience to embrace a vision for what it defined as a new political and cultural relationship between Aboriginal and non-Aboriginal Canadians. The truth and reconciliation model of history-writing is predicated on an ostensible *acknowledgment* of a history of racial discrimination (in the form of a seemingly "truthful" confession) with the aim of fostering a new relationship of forgiveness and repentance in order to come to terms with a legacy of large-scale past abuses, ensure accountability, and achieve reconciliation by emphasizing both "reconciliation" and "truth." The *Final Report on the Canadian Truth and Reconciliation Commission* accordingly gives rise to a unique version of Canadian history that attempts to alleviate the cultural, economic, and political alienation of the country's First Nations, Métis, and Inuit communities to whom the government confesses, by acknowledging the historical abuse of Indigenous populations by the Canadian government and validating a collective sense of shame and remorse.

The "truth and reconciliation" judicial model therefore institutes a form of history *as confession* – an attempt to narrate the nation's historical transgressions in a way that makes sense of, and gives meaning to, the State's colonial practices. On account of this ersatz "confessional" form of history-writing, the historical narratives produced within TRC reports are always constructed with an eye toward public opinion, with the aim of facilitating forgiveness and fostering a new relationship of unity and accord, and of playing an important role in the discursive construction of a new, post-reconciliation vision for the nation.

Backed by the perceived authority of the nation's legal system and often grounded in an endorsement from the new "post-transition" government, each of these historiographic texts have enjoyed immense success (often becoming international best-sellers) and

prominence as the “official” and conclusive record of a nation’s shared trauma. Their status as ostensible “master narratives” of the traumatic years about which they pertain make these historiographic texts a rare breed of government documents, in that they are actually *meant to be read* by the public. Based on their prominence as the “official” and conclusive record of the nation’s shared trauma, transitional justice reports often become the single most decisive instrument in shaping public and cultural perceptions, as well as in guiding the production of the collective memories of a nation’s traumatic past.

Transitional Justice and the Art of Rhetoric:

Bearing in mind that truth commission reports are historical narratives explicitly written with the aim of persuading their readers to embrace a current or future set of political actions, a critical interrogation of the distinctive types of historico-legal knowledge that these unique texts produce is vital. Operating at the intersection of historiography and rhetoric, truth commission reports employ the techniques of classical rhetoricians – such as highly stylized and affecting prose, an appeal to the emotional and psychological makeup of the audience, and the writer’s appeal to the unique authority of the legal system – in order to craft historical narratives that, often unknowingly, compel entire populations toward the ideological and political principles put forth by the “post-transition” regime. They, therefore, represent a type of history *for* persuasion, or, to borrow American literary critic Van Wyck Brooks’ term, they constitute a version of “the past as usable,” (“On Creating a Usable Past” 337-341); at the service of politicians and lawmakers. In each of these cases, a nation’s violent past is contextualized and narrated in such a way as to provoke a particular set of sentiments amongst the general population – be it shame, outrage, pride, complacency, or

forgiveness – that are meant to help facilitate a set of unspoken political aims.

The rhetorical dimensions of history-writing within the pages of truth commission reports – including discussions of consequences and implications of actions in the past to deliver moral and political lessons, the use and contextual placement of victim testimony to evoke specific empathetic responses from its audience, the strategic use of pronouns and other devices to form bonds of community amongst readers, and the invocation of temporal markers that situate the present alongside or as completely detached from the near past – are compelling techniques drawn on to provoke specific types of bias and partisanship, yet which often go unnoticed by the reader. This artful form of politically-oriented manipulation, I contend, is the primary distinction between truth commission reports and other, less insidious forms of historical writing, such as novels and journalism, which do not tend to manipulate their audience for the same reasons or ends.

The “art” of rhetoric, as Aristotle famously referred to it, refers to the deliberate tactics and techniques employed by writers and orators to persuade their audience toward the acceptance of specific arguments or beliefs. As both *artistic* and a form of *artifice* (and therefore pertaining to elements of both style and trickery), the *art* of rhetoric is predicated on the orator’s or writer’s ability to appeal to her or his audience by means of a certain sense of style, flair, or sophistication. While the techniques and devices employed by rhetoricians have evolved throughout the ages, the essence of rhetoric remains rooted in the ancient fundamentals expounded by Aristotle and his contemporaries. The central focus of rhetorical persuasion has invariably centered on the three main elements first introduced in the Classical ages. According to Aristotle, “the Audience,” which is the emotional and psychological makeup of those who will receive the argument (139); “the style,” *To Prepon*, with which the orator or writer clothes her or his argument (215); and *Kairos*, which refers to

the specific contextual moment and place in which the argument is being made. *Kairos*, in the Sophistic context, is based on the thought that speech must happen at a certain time in order for it to be most effective. If rhetoric is to be meaningful and successful, it must therefore be presented at the most opportune moment, or else it will not have the same impact on the audience.⁹ Likewise, the modes of rhetorical appeal remain rooted in: *Ethos*, the writer or speaker's appeal to his or her unique authority; *Pathos*, the writer or speaker's appeal to the emotions of the audience; *Logos*, the writer or speaker's appeal to logic (see Aristotle 74-75); and once again, *Kairos*, the writer or speaker's ability to take full advantage of the current moment, including the political and cultural context within which the argument is being made.

These rhetorical techniques – designed to have a persuasive or affective impression on one's audience, but often regarded as lacking in sincerity – are precisely the types of tools that the authors of transitional justice reports employ as a means of persuading their audience toward their respective “punitive,” “restorative,” or “reconciliatory” objectives. Emotional appeals to the audience via the contextual placement of victim testimony, the swathing of ideological beliefs in eloquent literary flare, an appeal to the unique and seemingly incontrovertible authority of the State or legal system, and the felicitous capitalization on feelings of freedom or relief from long periods of oppression are all drawn-upon in subtle, yet impactful, ways by the authors of these reports in order to cajole their audiences toward embracing a particular set of political beliefs and measures.

Employing such artful rhetorical techniques within the context of historical narratives, truth commission reports produce carefully crafted versions of history that appeal to their audience's emotional and ideological impulses. As such, truth commission reports have furtively become sites in which rhetorical “modes of persuasion” intersect with the

form, style, and structure of representations of past events in the written form, as well as with the various political, epistemological, and legal ramifications that are commensurate with the “writing” of history.

The Cultural Vicissitudes of History-Writing:

In addition to aiding the reader in discerning how and in what ways these reports make use of specific rhetorical devices, my analysis also strives to acknowledge and respond to how each report attends to the particular vicissitudes of history-writing within its respective cultural contexts. There are certain epistemological, ontological, and historiographic assumptions that determine *how* historical narratives are interpreted according to these cultural contexts, respectively German and American, Latin American, settler-Canadian and Indigenous. Historically and culturally specific *in-context* analysis enables also, therefore, a comparative and *cross-cultural* analysis of history-writing, to which this dissertation also makes some inroads.

Navigating precisely how rhetorical modes of persuasion operate within historical narratives requires a preliminary “fleshing out” of the core distinction between a) history as a *series of past events*, and b) History as the *narrative* written *about* a series of past events. As Hegel notes in his *Lectures on the Philosophy of History* (1837):

In our language, the word “history” [*Geschichte*, derived from the verb *geschehen*, to happen] combines both objective and subjective meanings, for it denotes the *historia rerum gestarum* [the “narration” of things that happened] as well as the *res gestae* [the things that happened themselves], the historical narrative and the actual happenings, deeds and events – which, in the

stricter sense, are quite distinct from one another. But this conjunction of the two meanings should be recognized as belonging to a higher order than that of mere external contingency: we must in fact suppose that the writing of history and the actual deeds and events of history make their appearance simultaneously, and that they emerge together from a common source. (135)

This last point – the idea that the actual *unfolding* of historical events and the subsequent *narration* of them emerge together, “from a common source” – is predicated on an enduring belief in the Western conception of history as the universal forward-march of time in an unceasing linear and teleological direction; from an *arche* (or “beginning point”) to a *telos* (an “end,” “purpose,” or “goal”). The ubiquity of this Western conception of “linear history” – that time is always only experienced as an unending series of moments that pass, from one to the next, in an eternal chronological sequence – is crystalized in Hegel’s conviction that the *writing* of history and the actual *unfolding of past events* do not simply coincide as mere external contingency, but rather they equate to one another in a direct and faithful manner according to what he calls a universal “higher order.” Within this framework, Western historical consciousness has always been constituted in such a way that we are believed to not only be capable of *possessing* incontrovertible knowledge about past events, but that we also have the ability to *articulate* this knowledge in an equally immutable and eternal narrative form. The writing of history is therefore expected, in our contemporary Western context, to adhere to the same ontological properties that we have ascribed to time, itself. The narrative structure of Western history-writing, in other words, is assumed to comply with a correspondingly linear, chronological, and teleological order – with a marked “beginning,” “middle,” and “end” – since that is how we have, *au fond*, conceptualized the

experience of history. It is subsequently expected that the historical events being narrated in historical texts are retrospectively imbued with an outwardly rational sense of meaning and order, such that one event *leads to* or *brings about* the next, and so on. History is to be read, in this Western context, as a story in which a series of events unfold commensurate with the ostensible *progress* of history.¹⁰

Distinctions between how the nature of history is comprehended in the Western, pre-Canadian Indigenous, and Latin American contexts, for instance – as well as our ability and/or inclination to *know* and subsequently *narrate* the past – is pivotal when embarking upon a critical assessment of the narrative form of historical documents (especially those with such weighty political and ideological consequences as truth commission reports). Understanding the fundamental differences between the European teleological form of history-writing versus the fragmentary, aphoristic structure that is characteristic of many Latin American histories allows us to more clearly discern *where* and *how* historians employ rhetorical techniques within the contexts of their respective historical narratives. Whereas our modern Western conception of the historical narrative is one that is well defined and distinct from other forms of writing (such as poetry and even journalism), the Latin American historical narrative, for instance, has a long tradition of blurring genre and formal boundaries.¹¹

In Latin American history-writing, the intertwining of myth and historical reality often unfolds at the intersection of several narrative styles, including Romanticism, Realism, *Indigenista*, Magical Realism, naturalism, symbolism, and so on. For historian and literary critic Victoria Carpenter, the commixing of myth and historical reality “all but eliminates [the supposition of] a single historical ‘truth’ from the Latin American historical narrative” (3). Given that historical narratives “both reflect and affect the collective memory of events”

(Carpenter 3), the intertwining of myth and historical reality inevitably coincides with the emergence of an entirely non-Western historical consciousness.

The non-linear nature of time developed in many Latin American historical narratives “and the resulting multiplicity of ‘histories’” – which often result in transnational and cross-cultural histories – therefore participates in what Carpenter calls “the creation, destruction, and re-creation of collective memory, and consequently, national identities” (3). Within this non-linear matrix of history and memory, “the uncertainty of time becomes the uncertainty of historical narrative as it recreates not an actual event, but one of its many representations in official, collective, and individual memories” (Carpenter 3-4). “Thus,” she adds, “the removal of a singular entity of ‘history’ and its replacement with ‘histories’... presents us with the importance of considering all historical narratives as equally valid representations of past events” (Carpenter 4). Whereas linear Western historical consciousness gives rise to a resultant hierarchy of historical truths – in which the veracity of historical narratives are open to debate and one history is regarded as being potentially more *genuine* or *authentic* than another – all forms and genres of Latino history-writing are upheld as proportionate representations of the past.

Among Western readers, the most well regarded contemporary practitioner of this unique form of Latino history-writing is Uruguayan writer Eduardo Galeano. Best known for *Days and Nights of Love and War*, *Children of the Days: A Calendar of Human History* (1978), as well as his *Memory of Fire* trilogy (1982-1986), Galeano’s major historical works are each constituted by a distinctive blending of history, journalism, mythology, poetry, and prose, as well as a characteristic non-linear aphoristic style. Galeano, known mostly for his sweeping historical epics, opens his *Memory of Fire* trilogy with the admission that he “was a wretched history student” (13), later explicitly adding, “I am *not* a historian” (13). As a prototypically

non-traditional chronicler of Latino histories, Galeano embodies the particular non-Western historical consciousness that is unique to the Southern Americas. As one of the continent's foremost writers of history, Galeano's prefatory note is not intended for his Latino audience, but rather for those Western readers who would otherwise expect his monumental history of the Americas to abide by the Hegelian teleological form, in which a seemingly comprehensive account of all past events unfold chronologically in a cause-and-effect relation. Instead, in Galeano's works the reader discovers a sweeping mosaic of the history of the Americas, from their birth to the present day, in which both pre and post-colonial history is seamlessly interwoven with Latino folklore and Inca, Aztec, Mayan, Muisca, and Mapuche mythology. Rather than presenting his "history" in a single comprehensive and monolithic structure, Galeano's trilogy is comprised of over eleven hundred short vignettes of prose, poetry, journalistic sketches of indigenous tribes, and archival documents reprinted verbatim, in a style that we might describe as "magical journalism" or, better still, "magical history." Literary critic Ronald Christ notes, in a review for the *New York Times*: "The assemblage of [thousands of] imaginatively re-created parts flashes a staccato montage – the violently jolting tradition of the New World, from indigenous myths in the book's first section, through the gold-sucking European conquest (disguised as religious conversion) in the second part" ("Dramas that Scorch"). In response to the genre-bending style of his form of history writing, Galeano contends: "I don't know if [*Memory of Fire*] is a novel or essay or epic poem or testament or chronicle... [but] deciding robs me of no sleep. I do not believe in the frontiers that, according to literature's [Western] customs officers, separate the forms" (*Memory* 13).

Despite the unparalleled uniqueness of his work, the historical consciousness that Galeano's work embodies is not unique to him alone. Other celebrated works of historical

writing within the Latin American pantheon belong not exclusively to the realm of academic historians but to journalists, poets, and dramatists alike. In fact, Chilean Nobel laureate Pablo Neruda – whom Gabriel Garcia Marquez referred to as “the greatest poet of the twentieth century, in any language” (*Fragrance* 49) – structured his magnum opus, the *Canto General* (1950), as an epic poem that encompasses the entire sweep of Latin American history, from pre-Columbian times to the mid-20th century. Consisting of a vast retelling of the various atrocities and injustices visited upon the disadvantaged in Latin America, Neruda – like Galeano – presents an objective empirical history of the Americas, not simply by incorporating elements of history *into* his poetry, but instead by writing history *through* poetry, *as* poetry. Together with Neruda, Galeano’s trans-generic commixing of style, form, and mythology belongs to a long and pervasive tradition of history-writing in the South Americas, which – although differing greatly in technique and style from Western histories – is certainly no less rigorous or intellectually demanding. Galeano, for instance, meticulously cites the source material that inspired each vignette in his *Memory of Fire* trilogy, and the bibliography at the end of each volume confirms that Galeano’s research is as diligent as any Western academic Historian. “He has re-read the original chroniclers, Columbus, Bernal Diaz, Las Casas and the English Dominican Thomas Gage,” notes Dr. Allen Boyer in a review for the *L.A. Times*, adding, “He has also consulted such modern scholars as Jaime Vicens Vives, James Lockhard, Alexander Marchant and J. H. Elliott. These historians’ work has given Galeano most of his themes and many of his details” (Boyer).

The point, of course, is not to champion Galeano’s style of history-writing – or any writers’, for that matter – over another. Instead, such a cross-cultural comparative analysis is meant simply to emphasize the disparity and richness of historical consciousnesses in a global context, and to underscore the importance of acknowledging the disparate ways in

which our collective understanding of *res gestae* [the things that happened] interact with and inform *historia rerum gestarum* [the “narration” of those things]. A robust comprehension of the ways in which history is *experienced* and how that experience is subsequently rendered in various historical narratives allows us to become more finely attuned to the rhetorical techniques – or “modes of persuasion” – that are employed within the historical narratives of the truth commission reports. It helps us call attention to the literary *form* in which conventional histories are presented. After all, as Hayden White famously suggested, historians are “nothing more than makers of fictions” (191), charged with “endow[ing] history with meaning” (192), *any meaning* they so choose.

Comparing and cross-referencing contemporary Western forms of history-writing with their Latin American counterparts helps, then, to underscore what we might call the “literariness” of all historical documents. In fleshing out precisely how these texts shape and modify the ideological biases of their audience, a “literary” reading of truth commission histories underscores the rhetorical and narratological nuances of these texts, as well as the significant degree of artistry that goes into their composition. In particular, reading *Nunca Más* – which is rendered in a hyper-literary style and incorporating elements of “detective fiction” and “legal thrillers” into its form and style, owing to Ernesto Sábato’s involvement as lead author – alongside the more traditional form of the *Nuremberg Report*, allows us to discern analogous literary elements in the latter that might otherwise go unnoticed, such as characteristics of early “Courtroom Dramas” and twentieth-century propaganda campaigns.

In fact, as Hayden White demonstrates, while some Western historians have at times chosen “nonnarrative, even antinarrative modes of representation, such as the meditation, the anatomy, or the epitome” (2), the most common and expected form of history-writing in the West is, and always has been, the form that we normally associate with classical

storytelling: the historical narrative. The writing of history in this sense, what White calls *history-as-a-story* (2), often employs many of the archetypal narratological structures that we find in more explicitly fictive modes of writing. As White suggests, historical narratives are often made “more compelling” when their authors organize the historical events according to classic literary plot structures, including: tragedies (stories that lead from ideal situations to disaster), or comedies (those that lead from bad situations to happy endings); utopias or dystopias; stories-within-a-story (such as Scheherazade as a narrative intermediary); or epics (a lengthy tale that portrays, in great detail, the myriad cultural values and codes of a given society through the singular journey of an exceptional individual character), and fables (a condensed, succinct prose story that illustrates a single moral lesson) (See White 5-11).

Narrative histories, in their many forms, often evoke these and other narratological characteristics as well as their many trans-cultural permutations. What brings each historical narrative together however, according to White, is our ineluctable desire for stories to orient us in the world. Given that this desire is often heightened in the wake of mass trauma, the task of forging the so-called “truths” of the past into a common history serves as a valuable tool to reconcile a divided county and reconstruct a new transitional society. In its most distilled form, this process of forging a common history as a means of re-orienting a community following a shared traumatic experience is the essence of transitional justice: a looking-toward-the-past in order to promote a series of meaningful and productive political advancements in the present.

Rather than interpreting transitional justice reports solely as the ceremonial culmination of a series of judicial processes that objectively record a nation’s march from the shadows of trauma, I suggest instead that these unique historiographic texts are better understood as being shaped by the rhetorical and narrative devices employed by their

authors, and that the politicization of historical knowledge is used by truth commissions to influence particular courses of action in the present. By juxtaposing the German, Argentine, and Canadian cases, this dissertation compares and cross-references the ways in which rhetorical and narratological techniques have participated in the production and dissemination of collective or national memories in the wake of their respective national traumas.

Chapter Outline:

Chapter One begins, therefore, by situating the origins of transitional justice practices with the emergence of the Nuremberg trials. As the founding case of twentieth-century transitional justice practices – which has since led to the implementation of dozens of truth commissions and human rights tribunals as well as the formation of the International Criminal Court, the International Court of Justice and the legitimization of Universal Jurisdiction under the auspices of the latter two organizations – the Nuremberg trials laid the initial groundwork for the unique history-writing potential of transitional justice practices. I therefore begin by examining how the public nature of the trials and their moral, political, and historiographical framing of the Nazi years informed a nation’s understanding of its past, and the bearing that it had (and continues to have) on the historical narrative(s) of post-war “German guilt,” thereby contextualizing West Germany’s Nazi history within certain moral parameters and laying the framework for the divided nation’s collective memories of the war-time period.

This chapter examines the Nuremberg trials and their concomitant report, which was overseen by American Brigadier General Telford Taylor, as the careful crafting of an

“official memory” of the Nazi years by Allied forces. The Nuremberg trials and *Final Report* produced a state-sanctioned narrative of the historical events which aimed toward facilitating the American de-Nazification project in West Germany by brazenly declaring that the entirety of the general population was composed of either those who had willingly and *publicly* supported the Nazi regime, or those who *privately* opposed their ideologies – followed by detailed recommendations for how to purge the state of the former.

Through a rigorous analysis of the form and structure of the Nuremberg report (which was deeply suffused with nearly indecipherable “legalese”), this chapter considers the function and performance of truth commission reports as primarily legal documents that also work to craft an “official” memory of the historical period under question. This chapter therefore explores how, and in what ways, these two types of shared memories work – both together, and against one another – by presenting the collective memories that truth commissions produce as “official” and contrasting this mnemonic narrative with the activity of public memory that occurs both in the public reception of the trials and via journalistic, artistic, and literary interpretations of them.

The Nuremberg case serves as a pivotal starting-place for an analysis concerning the ways in which truth commission reports function as official “state-sanctioned” memory-works, precisely because of the highly technical legal language with which it is crafted. The *Final Report* on the Nuremberg tribunals – through its administrative style and structure – continually evokes its own status as produced and validated by the State through the pretense of a newly established international judicial authority. In a related way, I also examine the cultural and political significance of the city of Nuremberg, as both the location and name of the trials and report. Bearing in mind that Nuremberg was the location of the most elaborate and notorious political rally of the Hitler regime, this case study explores the

ways in which the trials and the subsequent report were intended to conjure menacing images of the Nazi years, while also evoking a certain sense of moral contempt for them. To this end, this chapter pays close attention to the manner in which the Nuremberg report overtly elicits, emphasizes, and reconstitutes the categories of “shame,” “guilt,” “remorse,” and “humiliation” with respect to those individuals who were deemed according to the trials and the report to be innocuous “bystanders,” but not necessarily “innocent.”

I then consider the consequences of the trials being overseen by foreign occupiers – specifically how the particular political and ideological context of the immediate postwar years emphasized “punitive” or “retributive” justice as the primary means of redress – by weighing a body of literature and film that was produced in the wake of the Nuremberg tribunals.¹² What effect did this “victor’s justice” have on the collective West German psyche? And how might this have played on the way(s) in which the trials continually underscored the burden of guilt, shame, and remorse? In what way(s) did the foreign governance of the trials allow or prohibit the German people to react with genuine horror to the revelations of the Holocaust, along with the rest of the world? And finally, how has this emphasis on discipline and retribution framed the literary and artistic narratives that followed the trials?

This chapter examines the political and ethical reverberations from which the “official memory” of the trials framed the West German understanding of its own past by weighing several novels, memoirs, and films against the historical narrative put forth within *The Final Report to the Secretary of the Army on the Nuernberg War Crimes Trials Under Control Council Law No. 10*. Alongside the historicization of the past in the *Final Nuernberg Report*, I carefully consider academic and journalistic responses, including prominent opinion-pieces in the weekly newspaper *Die Zeit*, as well as literary and filmic works that either challenge or

arrogate the “official narrative” of the report, such as Heinrich Böll’s *Group Portrait* (1971),¹³ Günter Grass’ *The Tin Drum* (1959) and *Peeling the Onion* (2007), Siegfried Lenz’s *The German Lesson* (1960), Bertolt Brecht’s “*An die Nachgeborenen*” [“To Those Who Follow in Our Wake”] (1939), Peter Weiss’ *The Investigation: Oratorio in 11 Cantos* (1965), as well as Abby Mann’s quintessential film *Judgment at Nuremberg* (1961).¹⁴ Why do some of these works arrogate the “official” mnemonic narrative of the *Final Report*, while others explicitly aim to provoke and disarm it? And how are these literary narratives transformed and reshaped across generations via new and emerging artistic works in the shadow of the Nuremberg Trials?

In Chapter Two, “*Nunca Más*: Transitional Justice Reports as Explicit Literary Constructions,” I turn to the so-called post-“Dirty War” period of Argentinian history and the emergence of what would later be recognized as the world’s first conventional “truth commission.” Here, I move from an examination of the ways in which the Nuremberg report established the official memory of the Nazi years according to a “punitive” judicial framework to the establishment of “restorative” justice in the Argentine case.

This chapter begins by exploring this issue by way of a thoroughgoing analysis of the *Nunca Más* report prepared by Argentina’s National Commission on Disappeared People – the first instantiation of a truth commission and the first major trial held for war crimes since the Nuremberg tribunals. As the *Nunca Más* report demonstrated, it is all too easy for a truth commission report to present a highly simplified and controversial version of past events as a means of “closing the pages” on a traumatic chapter of history in order to begin the process of political and economic “healing.”

I pay special attention in this case study to the manner in which the *Nunca Más* report overtly elicits, emphasizes, and reconstitutes the categories of “healing,”

“forgiveness,” and “reconciliation” (in contrast to the Nuremberg commission, which emphasized “shame,” “guilt,” “remorse,” and “humiliation”), and I examine whether the emphasis on punitive or restorative justice calls for a specific narrative “style” in the crafting of a national memory of traumatic events. Does an emphasis on punitive justice demand an overt legal or judicial “style” as a means of justifying the punishments? And, on the other hand, does a call for political and cultural restoration (and its ancillary sentiments of “forgiveness” and “absolution”) demand a more finessed “narrative” style that engages and cajoles its audience in a different manner? And what are the political and ethical ramifications of this demand? In attending to these questions, this section focuses on the unusual situation that arose from enlisting a popular crime novelist to narrativize the state-sanctioned legal document that would ultimately serve as the foundation for a national memory.

As has been well documented, the *Nunca Más* report ultimately produced a highly contentious version of events – in which it was declared that “Argentina was torn by terror from both the extreme right and the far left” (1) – which sought to assign legal and moral liability to both the perpetrators of the military dictatorship as well as their victims. This chapter therefore examines the political, economic, and cultural context within which the *Nunca Más* report was produced, with careful attention paid to the political and ideological leverage applied by Raul Alfonsín’s transitional government during its composition. I then explore how other equally popular historical narratives of the time are framed and interpreted in light of the *Nunca Más* report. Walsh’s famed nonfiction novel about the events leading up to the so-called “Dirty War” simultaneously challenges the “two-evils” framework of the *Nunca Más* report, while also being re-interpreted in an entirely new light *because of it*.

This chapter also considers how other journalistic texts and visual art works have worked explicitly to challenge many of the false claims in the *Nunca Más* report and its “two demons” framework. Correspondingly, I also examine the capacity of historical novels to challenge the *Nunca Más* narrative in a similar way, such as Osvaldo Soriano’s *Winter Quarters* (1989) and *A Funny Dirty Little War* (1986), Manuel Puig’s *Kiss of the Spider Woman* (1979), Patricio Pron’s *My Father’s Ghost is Climbing in the Rain* (2014), as well as Mariana Enríquez’s short-story collection, *Things We Lost in the Fire* (2017) and the poetry of Juan Gelman.

In Chapter Three, I then turn to the recently concluded Truth and Reconciliation Commission of Canada, established in response to the legacy of the Indian Residential School System. This chapter explores the contentious legal framework according to which the TRC was constituted, and the narratological and syntactical effects that these had on the production of the Final Report and its framing of victim testimonies.

While the project of “national reconciliation” is currently unfolding, this chapter provides an opportunity to examine the colonial politics that undergird this endeavor as it develops in the present moment alongside the slow and measured construction of a new national awareness of the residential school system. While the *Final TRC Report* has quickly become the primary document in the proliferation of an ever-emerging national consciousness of this shameful chapter in Canadian history, this chapter pays careful attention to the unique mode of “looking” that the report fosters. In adhering to the strict set of legal mandates that govern the TRC – namely, that the report is required to abstain from “naming names” or of intimating, in any other way, the identities of perpetrators – this chapter rigorously examines the degree to which the *Final Report* casts the victims of the residential schools in a way that provokes the scopophilic impulses of the non-Indigenous reader.

In further examining the complicated politics and ethics of “reconciliation,” I focus particular attention on the reception *by*, and responsibility *of*, non-Aboriginal Canadians with regard to acknowledging the nation’s painful past and committing to the process of “healing.” The unwillingness of many non-Aboriginal Canadians to participate fully in the production of a truly “national” memory that includes the traumatic historic of the Indigenous experience has provided a unique political and cultural context for the Canadian TRC, which the German and Argentine cases did not share.¹⁵ To this end, the Canadian TRC provides an important window into the ways in which collective memories operate between discrete racial communities, and how truth commission reports demarcate the very communities of memory upon which they act.

This chapter examines the difficulties associated with the promise of reconciliation when non-Aboriginal Canadians do not take an active role in the transition to justice by weighing the *Final Report* alongside the small but impactful body of literature and art that addresses the Indigenous Residential School System. Jeff Barnaby’s film *Rhymes for Young Ghouls* (2013) and Kent Monkman’s 2017 exhibit, *Shame and Prejudice: A Story of Resilience*, provide poignant cases for the study of this inter-racial obstacle. In addition to these literary, filmic, and artistic works, a thoroughgoing analysis of the inclusion of photographs in the *Official Summary of the Final TRC Report* provides a further point of entry into this unique problem, insofar as they provoke the non-Aboriginal reader’s voyeuristic gaze and further widen the cultural and racial rift. Not unlike the complex interplay between text and photographs in James Agee’s and Walker Evans’s documentary project *Let Us Now Praise Famous Men* (1941), I argue that the inclusion of black and white photographs depicting poverty-stricken aboriginal youths and the decrepit conditions of the residential schools provokes the non-Aboriginal reader’s scopophilic impulses in a way that reestablishes and

perpetuates the pre-existing power-relations that have led to the systematic racial oppression of First Nations, Métis, and Inuit peoples in the first place. To this end, this chapter analyzes the “documentary-style” of the Canadian TRC report (in contrast to the “novelistic” style of *Nunca Más* and the dense “*legalese*” of the Nuremberg report) in order to examine how this style arouses certain non-Aboriginal desires related to the power and pleasures of looking at others.

Finally, this chapter will examine the unique legal context within which the Canadian TRC unfolded – unlike the Truth Commissions in Argentina and South Africa, the Canadian commission had no power to offer known perpetrators the possibility of amnesty in exchange for honest testimony about any abuses that were committed. For this reason, the Canadian commission and its concomitant report include only victim testimonies, with little to no statements from perpetrators or accomplices. The absence of any testimony or confessions from Church authorities, government officials, or virtually any other non-Aboriginals has thus further differentiated this TRC report from the majority of its predecessors, and has led to another impediment to the actualization of a truly national hope for reconciliation. Instead, in its failure to compel the perpetrators to participate, the Canadian Truth and Reconciliation Commission has provided an opportunity for non-Aboriginal Canadians to sustain a harmful tradition of voyeuristic relation *to* and exoticization *of* the Indigenous experience, and this is reinforced and substantiated by the very structure of the final report.

This chapter concludes with a succinct yet incisive projection toward what the future of the Truth and Reconciliation Commission might present for both Indigenous and non-Indigenous Canadians alike. Considering how specific iterations of the *Nunca Más* and Nuremberg reports have become hegemonic in public discourse as they were continually

revised and reinterpreted, this dissertation ends with a critical forecast of how we might negotiate the political and cultural vicissitudes of historical narrativization to successfully fulfill our shared project of reconciliation.

Headnote – Looking Forward:

As Truth and Reconciliation Commissions continue to multiply throughout the world and take on greater influence in the crafting of “memory laws,” “amnesty laws,” and other forms of legislated history, such as historical apologies and reparations (particularly in the face of the disintegration of the International Criminal Court¹⁶), our current historical moment represents a critical opportunity to initiate a rigorous interpretive analysis of the form and structure of these monumental documents in order to acknowledge the extent to which transitional justice processes are instrumental in shaping and re-shaping the social, cultural, political, and geographic landscapes of post-conflict nations.

While an impressive reconciliatory undertaking currently unfolds in Canada, in an attempt to at long last acknowledge what chief justice Murray Sinclair has called the “cultural genocide” of our country’s Métis, Inuit, and Indigenous populations through the tragic history of the residential school system, similar truth commissions have recently concluded in East Timor, Sierra Leone, Ghana, Uruguay, Nigeria, and the former Yugoslavia (to name but a few), while the Tunisian *Truth and Dignity Commission* is currently underway. Based on the efficacy of these and many past commissions, comparable undertakings are also being considered in Australia, the United States, and Mexico, and many continue to imagine what future truth commissions might achieve in Armenia, Israel/Palestine, Egypt, Syria, and France/Algeria. As such, there is an extraordinary urgency to assess critically the intersection

of the narrative machinery of the concluding reports of these commissions and the rapidly evolving structure of their concomitant legal and constitutional documents, insofar as they ineluctably participate in the production of cultural memories and the cultural and ethical frameworks of “justice” and “forgiveness.”

Introduction Notes:

² For a full range of transitional justice practices and their historical applications see Ruti G. Teitel’s *Transitional Justice* (Oxford: Oxford University Press, 2002); Priscilla B. Hayner’s *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (London: Routledge, 2010); and Neil J. Kritz’s *Transitional Justice: How Emerging Democracies Reckon With Former Regimes: Laws, Rulings, and Reports* (Washington, DC: United States Institute of Peace Press, 1995).

³ While there has yet to be a sustained analysis of this history-writing endeavor in relation to transitional justice practices, a small number of critics have attended to it in passing. See: Kritz, Neil J. *Transitional Justice: How Emerging Democracies Reckon With Former Regimes: Laws, Rulings, and Reports* (Washington, DC: United States Institute of Peace Press, 1995); Young, Sandra. “Narrative and Healing in the Hearings of the South African Truth and Reconciliation Commission.” [*Biography* 27.1 (2004): 145–162.]; Webster, David. “History, Nation and Narrative in East Timor’s Truth Commission Report.” [*Pacific Affairs* 80.4 (2007): 581–591.]; and Jolly, Rosemary. “Spectral Presences: Narrating Women in the Context of South Africa’s Truth and Reconciliation Commission” [*Canadian Journal of African Studies / Revue Canadienne des Études Africaines* 38.3 (2004): 622–637].

⁴ The focus of this slightly awkward but useful word “narrativized” is on the *how* of the narrative telling. Differentiated from its etymological kin “narrate,” the term “narrativize” is meant to emphasize the *performance* of (or *carrying out of*) the narrative-writing endeavor by the author or speaker. “Narrativize,” therefore, foregrounds both the action (narration) and the person or persons who perform that action.

⁵ The term “memoryscape” refers here to Kendall R. Phillips and G. Mitchell Reyes’ conception of the movement and evolution of collective memories across geographic, political, or cultural landscapes. According to Phillips and Reyes, for instance, “the phrase ‘global memoryscape’ capture(s) the intersection between memory practices and global forces” (2).

⁶ For a recent review of how transitional justice studies interacts, in scholarly history, with discussions about Halbwachs’s notion of “collective memory,” see: Bird, S. Elizabeth and Fraser M. Ottanelli. *The Performance of Memory as Transitional Justice* (Odense: Intersentia Uitgevers, University of Southern Denmark Press, 2015); Lessa, Francesca. *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity (Memory Politics and Transitional Justice)* (London: Palgrave Macmillan, 2013); Allier-Montañó, Eugenia and Emilio Crenzel. *The Struggle for Memory in Latin America: Recent History and Political Violence* (London: Palgrave Macmillan, 2015); Saona, Margarita. *Memory Matters in Transitional Peru* (London: Palgrave Macmillan, 2014); Curry, Jane L. “When an Authoritarian State Victimizes the Nation: Transitional Justice, Collective Memory, and Political Divides.” [*International Journal of Sociology* 37.1 (2007): 58–73]; Curry, Jane L. “When an Authoritarian State Victimizes the Nation: Transitional Justice, Collective Memory, and Political Divides.” [*International Journal of Sociology* 37.1 (2007): 58–73]; Wiseman, Chirwa. “Collective Memory and the Process of

Reconciliation and Reconstruction.” [*Development in Practice* 7.4 (1997): 479–482]; Misztal, Barbara A. “Legal Attempts to Construct Collective Memory: The Necessity and Difficulties of Aiming for Both Truth and Solidarity.” [*Polish Sociological Review* 133 (2001): 61–75]; and Hatcher, Rachel. “Truth and Forgetting in Guatemala: An Examination of Memoria Del Silencio and Nunca Más.” [*Canadian Journal of Latin American and Caribbean Studies/Revue canadienne des études latino-américaines et caraïbes* 34.67 (2009): 131–162].

⁷ Following Lorna Weir [“The Concept of Truth Regime.” *Canadian Journal of Sociology*. Vol. 33, No 2 (2008)], I make use of the term “truth regime” to characterize the complex relationship between: a) the conceptual framework in which “truth” and “non-truth” are defined within a given epoch, b) the language in which these notions are articulated in the parlance of the time, and c) the place of the subject within this discourse. This relationship is especially pertinent given the manner in which the notions of “truth” and “truthfulness” are both emphasized and re-defined within the context of *Truth* and Reconciliation Commissions, and the degree to which the perceived “authority” of the TRC report is dependent upon the general public’s trust in the veracity of these definitions.

⁸ *Nunca Más* would be published again in 1991, when a newly elected Péronist party would find a new history-making use for the report by updating and emphasizing the Péronists role in the narrative (“Genesis, Uses, and Significations of the *Nunca Más* Report,” 30).

⁹ See James L. Kinneavy’s essays, “*Kairos*: A Neglected Concept in Classical Rhetoric,” appearing originally as a chapter (79 – 105) in *Rhetoric and Praxis: The Contribution of Classical Rhetoric to Practical Reasoning*, ed. Jean Dietz Moss (Washington, DC: The Catholic University

of America Press, 1986), and “*Kairos* in Aristotle’s Rhetoric,” an article coauthored with Catherine R. Eskin (*Written Communication* 11 [1994]: 131 – 42).

¹⁰ However, contrary to this model of historical consciousness, many ancient cultures have of course held a more mythical conception of history and time that is not experienced solely as linear. Various conceptions of history as cyclical, fragmentary, or ephemeral have persisted across a multitude of non-Western civilizations, including the ancient Egyptian doctrine of the eternal return, in which mythical gods – such as Isis and Osiris – continually perish and are subsequently renewed; the Greek notion of recurrent ages, called aeons or eons; the Hindu teachings of Yuga – seasonal epochs within a four-age cycle – rooted in the Vedic tradition; the North American Aboriginal conception of “Dreamtime,” in which history is not experienced as linear but as vertical, such that the re-enactment of an event is seen as equivalent to the original event; as well as a multitude of Eastern and Southern theories of history as cyclical developed in China, the Islamic world, and amongst the Mayan and Incan peoples. In fact, the modern linear, teleological conception of History is unique only to Western cultures, likely rooted in the Christian, Jewish, and Islamic belief that history has a divine progressive direction toward an eschatological end, such as the Apocalypse.

¹¹ For a detailed analysis of the trans-generic influence and cross-pollination between literary and non-literary narratives, see Roberto González Echevarría’s celebrated study *Myth and Archive: A Theory of Latin American Narrative* (1990). González Echevarría examines a variety of historical, archival, and biographical writings – from the chronicles of the discovery and conquest of the New World to scientific travel narratives and records of criminal confessions – and explores the formal and stylistic relationship of these writings to novels by authors such as García Márquez, Borges, Sarmiento, and Carpentier. Moving

beyond demonstrating how early forms of Latin American history-writing broke from their geneses in the sixteenth-century discourse of the Spanish Empire, González Echevarría shows how this same originating process has then been repeated in other key moments in the history of Latin American narrative writing. He shows how the discourse of mythology and a nonlinear, cyclical understanding of history was the model for much of nineteenth-century literature, as well as how anthropological and mythological writings have come to shape the ideology and form of literature in the twentieth century. This most recent form of Latin American narrative, González Echevarría suggests, creates its own mythic form through an atavistic return to its legal origins – the archive.

¹² There was also a very real fear that their Soviet counterparts in East Germany might provide a more agreeable, less-punitive alternative, drawing the German population toward their communist adversary. This delicate conciliation will be examined through the works of Anna Seghers.

¹³ The testimony of characters in the novel that defend the “rational” use of slave labour is actually quoted material from the Nuernberg trials/report.

¹⁴ On Böll’s, Grass’, and Lenz’s novels as post-Nuremberg representations of German guilt see Anne Sa’adah’s *Germany’s Second Chance: Trust, Justice and Democratization*.

¹⁵ Both of these cases concerned the entire nations. In Argentina, however, the Jewish community faced a unique set of difficulties with respect to having their cases heard during the Trials of the Junta. In response, Spanish judge Baltazar Garzán led a Truth Commission in Madrid on the sufferings of Argentina’s more than 300,000 Jews during the dictatorship, although owing to a lack of any concrete directives on extradition, this process was largely

symbolic. Nonetheless, this is an interesting point of comparison regarding the ways in which smaller sub-communities may be excluded from a national memory.

¹⁶ For an exacting history of the collapse of the ICC and its impact on the formation of many national Truth and Reconciliation Commissions, see Erna Paris' *The Sun Climbs Slow: The International Criminal Court and the Struggle for Justice*. Toronto: Vintage Canada, 2008.

Chapter 1. The Politics of Cultural Remembrance: The Nuremberg Trials and the Calculated Manufacturing of a National Memory.

American “victor’s justice” at Nuremberg as the establishment of what Maurice Halbwachs calls the “social frameworks of memory”

At the heart of this project lies the basic assumption that human rights tribunals, truth commissions, and similar transitional justice practices represent a unique type of history-making endeavour that provides the political, moral, and ideological framework for how national traumas are “remembered” across successive generations. By recontextualizing the past according to the “good/evil” and “victim/perpetrator” binary ethical paradigm of the judicial system, transitional justice practices “fix” their violent and traumatic histories within the cultural imaginary¹ as binding, legally-validated versions of historical events, instituting a decisive epistemic and moral rupture with respect to the manner in which a community negotiates its shared past. It is precisely this moral “rupture” – a breaking away from the immediacy and indeterminacy of the conflict in favour of a narrative that seeks to *make sense* of its complex moral consequences – that directly and incontrovertibly shapes the ways in which national traumas are absorbed into the cultural storytelling process. By laying a new moral groundwork for how a society looks back upon its past, transitional justice practices reconstruct public consciousness according to carefully drawn moral, legal, and ideological lines.

At no time in twentieth-century history was this re-establishment of a new “moral framework” of the past on so large, and so public, a stage than during the Nuremberg Trials (1945-1949). Given the far-reaching political and ethical stakes of coming to terms with the atrocities committed by the Nazi regime, the Nuremberg trials represented the struggle for post-war German memory, on display for the entire world to see. In formulating a newly

conceived international framework for addressing human rights violations, the Allied-led Nuremberg proceedings set forth a precarious renegotiation of the past with an eye toward an “ideal” political future for West Germany rooted in American neoliberal democratic values.

As the conclusive record of the war crimes proceedings, the *Final Report on the Nuernberg Trials* produced an historical narrative of the Nazi era that would conceptualize a “new German citizen” who would embody the ethics and ideological “spirit” of the nation’s emerging democratic future, while also helping the Allied victors facilitate the implementation of concrete political and economic reform. The *Nuernberg Report* would do so by carefully crafting an historical narrative that not only separated the trauma of the Holocaust from the present moment – as an ethical nightmare now fully consigned to “the past”² – but also by making grand moral pronouncements on the severe toll these crimes would have on the entire civilized world;³ what the Americans referred to as “the U.S. government’s ... heavy moral investment in the Nuremberg Trials” (*Final Report* 100, 115). The *Final Report* would therefore serve as the narrative link connecting the horrors of the Third Reich to the new democratic vision for West Germany by chronicling this transition *as the story of* Germany’s march from tyranny to justice – what Aristotle calls a *mythos* or a plot, in the sense in which we speak of the plot of a novel or a play.

By framing its historical narrative as the seemingly straightforward story of Germany’s arduous march toward the apogee of Western neoliberalism, the *Final Report* presented the German people with a renegotiated moral paradigm through which their recent past could now be framed as a single disgraceful chapter that must be overcome by all citizens in order to move forward. Within this historical narrative, the American prosecutors portrayed the Holocaust as the vile subterfuge of Hitler’s inner circle, while also hinting at

widespread complicity amongst the general population that precipitated an uncomfortable national discussion concerning the re-creation of a more integrative postwar German cultural identity. This chapter charts the cultural evolution of this discourse – referred to henceforth as “the Guilt Question” – from its initial germination within the context of the Nuremberg Trials, through its development as a *topic du jour* in the national media, to its final maturation as a defining characteristic of postwar literary, cinematic, and theatrical narratives. This chapter demonstrates that the social, political, and literary realms of postwar German society were each linked through the shared norms, values and sentiments of its population, and that an aggregate profile of the collective consciousness can be revealed by tracing out the homology between the social and political setting in which writers such as Günter Grass, Heinrich Böll, Peter Weiss, and Siegfried Lenz lived, and the literary world of their art.

As this chapter maps out, the Nuremberg trials were framed in such a way as to implicitly awaken a highly contentious sense of “collective symbolic guilt” amongst the entire German population for their perceived complicity in the crimes of the Holocaust.⁴ The Allied directors of the war crimes tribunals initiated such a deeply controversial public discourse in order to achieve two key objectives: to induce the German people into embracing Western, democratic values and to facilitate the implementation of Allied *denazification* programs. On the one hand, the evocation of the “Guilt Question” was meant to rectify what Alan Norrie calls the Nazi regime’s “radical and abhorrent” distortion of the German people’s moral compass (196). A recurrent theme in the prosecution’s approach throughout the Nuremberg Trials was to reiterate that the *Deutsches Reich* had “perverted and poisoned”⁵ the general population’s most basic understanding of right and wrong through its ideology of hatred and the passing of laws that formally denied Jews, Czechs, and Poles the

most basic human rights and protections (*Final Report* 56, 69). “[In the] absence of a sense of shared moral community or consensus,” Norrie writes, “Nuremberg was an attempt to restore the sense of a common moral framework [between West Germans and their Allied victors]” (196). As Mary Cosgrove adds, “[i]n the defeated post-war political context, *guilt* emerged as a particularly ‘democratic’ emotion and sign of denazification: guilt was exactly how repentant Germans should feel” (541). Given that postwar guilt was considered to be “a socially legible sign of a post-totalitarian, civilized self” (Cosgrove 541), the invocation of a collective guilt was the first step in the Americanization of West Germany.

This loose association between guilt and civility led the American press corps into the unlikely role of championing former Nazi Party official Albert Speer, praising his modest displays of repentance during the trials. As illustrated in an ambitious four-page *New York Times* profile following his sentencing at the initial International Military Tribunal, titled “Portrait of the Real Nazi Criminal,” Hitler’s former Minister of Armaments and Munitions is portrayed as “courteous, congenial, and informative,” “a genius,” and “the only prominent German with the intellectual capacity to analyze history [...] and deduce from it the obvious conclusion: that he was guilty” (*Portrait* SM7). While all other Nazi officials – including Hitler and Goering – were denigrated as a coterie of “overrated,” “inflated,” and “outrageous” “buffoons” (*Portrait* SM7), Speer alone received the adulatory praise of the prosecutors and journalists at Nuremberg. “[C]ompared with other Nazi grandees,” H.R. Trevor-Roper writes, “[Speer] was a phoenix” (*Portrait* SM7). As the only high-ranking Nazi member to publicly express a sense of guilt and repentance during the Nuremberg tribunals, the Allied victors upheld Speer as an icon of repentance for the rest of the German people – as a “phoenix” who emerged, renewed and dignified, from the ashes of the Nazi empire.

The evocation of guilt and repentance was, in this sense, promoted by the Allies as a symbolic baptism, in which the German people could publicly renounce their Nazi past and emerge reborn in the gleam of neoliberal democracy. According to this cultural paradigm, a collective sense of guilt and repentance was seen as essential to the implementation of the Allied force's postwar *denazification* efforts,⁶ which were initially intended to rid the government, press, judiciary, and commerce sectors of any former Nazi Party members. Bearing in mind that the *denazification* program was largely predicated on the German people removing Nazi apologists from influential positions *of their own accord*, the prosecution's tenacious appeal to the "Guilt Question" was a pioneering – if somewhat duplicitous – experiment in social psychology.⁷

The Nuremberg Trials would provoke this sense of collective guilt by implicitly portraying the defendants in the initial IMT trial – a number of prominent high-ranking Nazi officials, including Speer, Rudolph Hess, and Hermann Göring – as representative of an entire nation of guilty Germans. The highly controversial discourse that these public insinuations provoked, both during and in the years immediately following the trials, was aimed at compelling so-called "everyday" Germans into an uncomfortable, and at times harrowing, cultural reckoning with their own past. Initially led by a number of eminent cultural intellectuals and philosophers during the late 1940s, including Hannah Arendt and Karl Jaspers, the post-war "Guilt Question" would later be taken up by journalists and politicians in the 1950s, before eventually being fully absorbed into the cultural storytelling tradition by leading figures in German literature, theatre, and cinema during the 1960s and beyond. As this chapter illustrates, in laying the initial "social frameworks" of collective German guilt, the Nuremberg Trials and its *Final Report* established the foundation for how generations of Germans would eventually come to understand their own past.

By imbuing the *Final Report* with a clearly articulated and enduring set of ethical tendencies and dispositions – namely, the idea that civilian inaction, compliance, and even begrudging acquiescence to the Nazi regime equated to moral (if not criminal) guilt – the Allied victors succeeded in crafting a shrewd historical narrative that would implicitly guide the ways in which American democratic values became normalized through the processes of remembering or retelling, ultimately shaping the landscape of German literature, theatre, and cinema for decades to come.

Insofar as the Allied prosecutors were able to dictate the narrative of the Nazi crimes publicly in real time – as they revealed the horrors of the concentration camps to the entire world, via the exhibition of uncensored photographic and filmic evidence⁸ – they were able to determine the moral and cultural parameters through which the German people were compelled to confront their recent past. The Nuremberg Trials’ invocation of the “Guilt Question” functioned, therefore, as the Halbwachian “social frameworks” for West German collective memories – as the shared moral and cultural building blocks that determined, from the outset, the narrative scope of individual acts of remembrance.⁹ In this sense, the internalization of the “Guilt Question” served as the *very source* of West German individual memories, giving rise to them from their very point of inception, and reinforcing their mnemonic foundations as future generations *re-produced* them through individual acts of remembrance and storytelling.

As Barbara A. Misztal notes, in the *Polish Sociological Review*, the intimate relationship between memory and the law is precisely what enables transitional justice practices to make such pronounced historiographic and narratological interventions into the cultural imaginary of a nation. “The relationships between law and collective memory,” she writes, “are at the foundation of many countries’ original myths [...]. For example, legal documents such as the

Magna Carta (U.K.) or the Declaration of Independence (U.S.) are essential for understanding their respective societies' beginnings and values" (61). For this reason, Misztal suggests, the legal system "is an enormously influential institution of collective memory," adding that, "in many countries, changes in collective memory are legally induced" (61). Addressing the specific judicial-mnemonic correlation in the context of the Nuremberg trials, she continues:

In all societies [...] courts, through their input into deciding historical questions, *form* collective memory. [...] Postwar Europe saw many criminal prosecutions, which aimed to influence national collective memories. Despite controversies and debates surrounding attempts to punish state-sponsored mass murders, their achievements for constructing bases of the new order cannot be overlooked [...]. For example, the Nuremberg Trials, which marked the birth of cosmopolitan law and the institution of crimes against humanity, changed the very contents of Germans' memory of the war period. (61-62)

Specifically, by emphasizing "punitive" justice as the primary means of redress for the Nazi atrocities, the Nuremberg tribunals set forth the groundwork for a national discourse concerning the "collective symbolic guilt" of the German people, which would ultimately facilitate the *denazification* project of the Allied victors. This model of "justice-as-retribution," according to which the Nuremberg tribunals unfolded, helped explicitly to contextualize Germany's horrific past within certain moral parameters, and laid the moral and cultural scaffolding for how West Germans would continue to confront the Nazi years.

Nuremberg 1945, and the Establishment of the IMT:

In November 1945, six months after the Germans' unconditional surrender to the Allied forces, American Supreme Court Justice Robert H. Jackson was granted a temporary leave from Washington to travel to Nuremberg, Germany, in order to serve as Chief of the United States Prosecution at the newly established International Military Tribunal (IMT). Following the Allies' capture of the major surviving leaders of the Nazi regime, the IMT was to be the first of thirteen trials intended to bring a total of one hundred and twenty-five former Nazi officials, industrialists, military personnel, doctors, judges, and various "collaborators" to justice for the planning and execution of the Holocaust and other War Crimes committed by the Nazi regime. Described by Norman Birkett, one of two British judges who presided over the tribunal, as "the greatest trial in history" (Marrus 563), the IMT represented not only the first instance of what would soon be known as "transitional justice," but it also provided the conceptual framework for our modern understanding of "crimes against humanity." An international spectacle that received widespread media coverage across the world, the IMT concluded with the publication of the *Final Report on the Nuernberg Trials under Control Council Law No. 10* (1949), a three-hundred page document intended to "make the facts [of the Nazi crimes] available to German historians, so that future generations of Germans will be able to grasp the full and malignant import of the Third Reich, and understand why it proved such a terrible engine of destruction for the world and for Germany herself" (*Final Report* 100).

Opening at the Palace of Justice in Nuremberg, the trial of the "Major War Criminals of the European Axis" commenced with the reading of a one-hundred page indictment for "war crimes," "crimes against humanity," "crimes against peace," and "the planning, initiating, and waging of wars of aggression." In the courtroom were twenty-one

defendants¹⁰ – the surviving major leaders of the Nazi regime, including Hermann Göring, Rudolph Hess, and Albert Speer (Hitler, Himmler, and Goebbels having committed suicide before they could be apprehended, and Eichmann escaping to Austria). Following each of the defendants pleading “not guilty” to the various charges levied against them, the Allied prosecution team set about producing document after document meant to demonstrate “beyond a reasonable doubt” that the former members of what they referred to as the “Nazi machine” had willingly planned and executed a level of criminality that was “without precedent in recorded history” (*Final Report* 103). Seeing these men, who had once inspired so much terror throughout the continent, in the dock – stripped of their medals and insignia – demonstrated to the world that the Nuremberg trials represented the overturning of the barbarity of the Third Reich, and that retribution would be grounded in the newly minted and historically unparalleled judicial might of the IMT.

The choice of Nuremberg as the site of the trials set the initial tone for a “justice-as-retribution” model, since it was the infamous Nuremberg laws of 1935 that initially established the explicitly anti-Semitic laws that had stripped German Jews of their citizenship and excluded them from all aspects of economic, political, and cultural life. More hauntingly, from 1933 until 1938, the National Socialist Party held annual rallies at the Nazi Party Rally Grounds in Nuremberg – a massive eleven-square kilometer compound consisting of a stadium, a congress hall, a “march field,” and several military deployment areas – which served as electrifying Nazi propaganda events meant to seduce, deceive, and terrorize the general population. Made famous by Leni Riefenstahl’s propaganda film, *Triumph of the Will* (1935), the Nuremberg Rallies came to exemplify the intense fanaticism of Nazi ideology.

As Justice Jackson put it in his inaugural statement before the International Military Tribunal: “these crimes and atrocities were ‘so calculated, so malignant, and so devastating

that civilization cannot tolerate their being ignored because it cannot tolerate their being repeated” (*Nuernberg Report* 103). With this opening declaration, the IMT signaled that the justice of the Nuremberg trials would not only represent a changing of the course of history, but that History itself would be re-written according to the facts established within the trials, themselves.¹¹

Insofar as the Nuremberg Trials were the founding case of twentieth-century transitional justice practices, they represent in many ways a paragon of how legal justice practices during times of political transition can inform and shape a nation’s “historicization” of its own traumatic past. Owing to the exceedingly public nature of the trials, and their moral, political, and historiographic framing of the Nazi years, the Nuremberg tribunals profoundly reshaped the West German understanding of its own past and the bearing that it had, and continues to have, on the historical narratives of post-war “German guilt” (as well as to a lesser extent the awareness and comprehension of that history by the populations of the Allied nations, whose own understanding was equally guided by the Nuremberg narrative).¹²

At this point, it should be noted as a matter of clarification that in a certain colloquial sense there is some confusion regarding exactly what is meant by the “Nuremberg Trials.” While the first trial, the International Military Tribunal (IMT) – which was overseen by American, British, French, and Russian officials – received the most media attention (including several cinematic and literary reinterpretations¹³), the term in fact refers to the aggregate of the IMT as well as the twelve subsequent trials that took place at Nuremberg in the following years. While the IMT prosecuted the twenty four highest-ranking Nazi officials who had survived the end of the war for what it called “Major” war crimes, and was overseen by judges and prosecutors from all four Allied nations, each of the subsidiary trials

was conducted solely under American supervision, each attending to a particular civilian group or lower-ranking military officers. For instance, the Doctors' Trial (1946-1947) focused on the twenty-three Nazi physicians who oversaw the mass murder of children with physical or mental disabilities in occupied territories (the "Aktion T4" program)¹⁴ and the development of the notorious "medical experiments" in the lethal application of Zyklon B, while the defendants in The Judges' Trial (1947) consisted of fifteen judges and prosecutors from the Reich Ministry of Justice deemed responsible for implementing the Nazi "racial purity laws." The IG Farben Trial (1947-1948), Flick Trial (1947), and Krupp Trial (1947-1948), on the other hand, each tried various industrialists and personnel from notable German corporations who had aided the Nazi regime during the war (the dynastic family-run Krupp corporation who had manufactured the majority of the steel, artillery, ammunition, and armaments for the Reich; agents of the Flick Corporation who had used slave labour and concentration camp inmates in its mines and factories; and IG Farben, the corporation who held the trademark for Zyklon B and other poisonous gases used by the Nazis). In addition to these, the subsidiary trials also consisted of the Milch Trial (1947), the Pohl Trial (1947), the Hostages Trial (1947-1948), the RuSHA Trial (1947-1948), the High Command Trial (1947-1948), the "Ministries" Trial (1948-1949), and the Einsatzgruppen Trial (1947-1948), which jointly cut a wide swathe in its targeting of civilians and military personal from all realms of German society, including bankers, economists, engineers, government officials, and low-ranking field officers.

The *Final Report on the Nuernberg Trials*, which was overseen by American Brigadier General Telford Taylor (who also served as Chief Counsel for the Prosecution in each of the trials), functions as a comprehensive report on *all thirteen* tribunals, although the most weight is afforded to the initial IMT, since it established both the judicial and cultural precedents

according to which the subsequent trials would unfold.

Famously dubbed “the greatest trial in history” (Marrus 563), the IMT was uniquely instrumental in the production of postwar German collective memories, due in large part to the unprecedented and sensational media coverage of the trial (including a famous rumour, broadcast throughout occupied Germany and Western Europe by the American Forces News Network, that Hitler, himself, had demanded to be admitted into the visitors gallery¹⁵). While many American and European news outlets sent their most high-profile journalists to cover the trials¹⁶ – including, among others, Walter Cronkite and William L. Shirer, who was awarded a Peabody Award for his coverage – Stalin had also anticipated the sensational “show trials” nature of the IMT, choosing to send Andrei Vishinsky – the actual prosecutor of the Moscow show trials (Bass 1039) – to serve as Russia’s representative for the prosecution.

But, while the IMT may have been regarded as a sensational landmark event by millions of viewers throughout the rest of the world, the twelve subsequent trials, in fact, would have a profound cultural impact on the formation of collective memories within West Germany. As Scott Allen Windham suggests, if the IMT demonstrated that executing the architects of the Holocaust could attenuate the horrors of the Nazi past, the subsequent trials would sound a contradictory note by suggesting that German society was laden with untold multitudes of Nazi sympathizers and collaborators (see Windham xv-xvi). Although the subsequent trials would drag on for several years and would not feature the same headline-capturing defendants as the initial IMT had, each tribunal would in fact play an important role in the unfolding of the Nuremberg narrative.

Hereafter, unless specifically designating a single trial by name (e.g. the IMT, or the “Doctor’s Trial,” etc.), this chapter will refer to the aggregate of *all thirteen trials* when

referencing the “Nuremberg Trials,” as such. Likewise, when referencing the *Nuernberg Report* or “Final Report,” this chapter refers to General Taylor’s *Final Report on the Nuernberg Trials under Control Council Law No. 10* (which covers all thirteen trials).

The Final Report on the Nuremberg Trials as History-Making:

As we will see in the succeeding chapters, although the “final reports” on transitional justice practices often begin by carefully crafting a *narrative history* of the events in question – a summary of historical events in a story-based form – the *Final Report on the Nuremberg Trials* does not *explicitly* do so.¹⁷ Instead, the Nuremberg report provides a thoroughgoing historical overview of the Allied forces’ political and moral obligation to establish the International Military Tribunal in the wake of the unprecedented human rights abuses committed by the Nazi regime, and for the founding of the newly developed legal frameworks for the prosecution of Crimes Against Humanity that would override the individual domestic laws of any single nation.

Although the official report, written and prepared by Brigadier General Telford Taylor (assistant to Chief Counsel Robert H. Jackson), does not explicitly present a comprehensive historical narrative of the years under the Third Reich, the document *is* laden with numerous overt references to the urgency for German historians to produce a definitive History of the Nazi years *based on the findings* of the tribunals. In other words, the Americans were insistent that a comprehensive history of the Nazi years should be composed *by* Germans, *for* Germans, but this historical narrative should be founded on the version of events that Allied prosecutors devised in the courtroom (one that would imply the shared guilt of the entire nation, not just the high-profile defendants sitting in the docks). In urging German historians to put the tribunal’s weighty findings to use, Taylor frames both the trials

and the report as the underlying arbiter of all “factual evidence” surrounding the Nazi years – which, as Taylor argues, “ought to” serve as the groundwork for any “truthful” historical record created *by* and *for* the German people (*Final Report* 30). Taylor and his team were shrewdly able to ensure the incontestability of their own historical narrative via the enactment of *Ordinance No. 7 (Article X)*, which declared that any “fundamental questions of historical fact” uncovered during the initial IMT trial regarding “the aggressive character of Germany’s wars against Poland, Norway, etc.” (31), would be considered historical “certainties,” and would henceforth contribute to a “binding” historical framework according to which the testimony of defendants in the twelve subsidiary trials would be measured.¹⁸ The *Final Report* therefore served to verify its own authority as arbiter of historical “truths,” while simultaneously handing over the responsibility of history-making to the German people; as Anne Sa’adah puts it, “to disseminate information, and so to show Germans what had been done *by* Germans *in the name of* Germany” (156).

The Nuremberg trials were intended, therefore, to circulate what the Allied victors determined to be indelible “historical facts” (*Final Report* 31) about the precise nature of the Nazi crimes to the German people, all the while urging German historians to use that evidence to craft *their own* historical narrative as a matter of moral exigency. By simply “[making] the facts available to German historians” (100), the Allied prosecutors cleverly avoided asserting ownership over the definitive narrative history of the Nazi years, while still maintaining control over the moral framework of those historical “facts” as well as the formal and stylistic guidelines for what a notional “History of the Third Reich” ought to look like: that is, an evidence-based appraisal of the “moral character” of those who were both actively and passively involved in the crimes of the Nazi regime. In this sense, although the *Final Report* did not explicitly present an overarching historical narrative of the Nazi

crimes, it did serve as *the* critical determinant in the crafting of German history, to the extent that “historical facts” were validated according to the evidence presented in the courtroom and subsequently fixed in the permanent annals of the collective German consciousness via the dispersal and reproduction of these facts in newspapers, essays, novels, films, and on television.

In outlining his precise intention to present the *Final Report* as an enduring history-making document, Taylor adds: “one thing we can do is to make the facts available to German historians, so that future generations of Germans will be able to grasp the full and malignant import of the Third Reich, and understand why it proved such a terrible engine of destruction for the world and for Germany herself” (100). He continues:

Never before has such a wealth of tested historical material been put at the disposal of scholars, as at Nuernberg. The reports and other documents of the German Foreign Office, the Wehrmacht, and other governmental and private institutions have been made part of a public record and have been subjected to all the explanations and qualifications that the very men who wrote these documents chose to advance. This is the raw material of history in wonderful profusion. (*Final Report* 100)

By providing the German people with the so-called “raw materials of history,” the *Final Report on the Nuernberg Trials* indirectly set forth the building blocks of what would soon become the dominant narrative of the Nazi years, from within the carefully crafted moral and political framework of the Allied denazification project.

By using the particular phrase “the raw material of history” – which is re-stated with greater emphasis in a later section that foregrounds the supposed moral benefit of the trials for the German people (101 and 117) – Taylor evokes a particular understanding of the

nature of History that would have been well known by the German historians to which his comments were addressed. Through his recurrent use of this phrase, Taylor brings to mind renowned German historian and sociologist, Wilhelm Dilthey. A contemporary of Friedrich Nietzsche and Max Weber, Dilthey was revered both for his work in securing the academic study of History as a human science, and for pioneering a well-known model of the social functions of a hermeneutics of history. In an oft-recited passage from his *Gesammelte Schriften*, vol. 1, Dilthey writes: “The ‘philosopher who investigates the historical world has to get directly in touch with the raw material of history.... He has to subject himself to the same law of hard work on the raw material as the historian’ ” (Bulhof 116). According to Dilthey’s popular assertion, translated here by Ilse Bulhof, a hermeneutics of history entails a synthesis of historiography and anthropology. “Getting in touch with the raw material of history,” then, refers to a rigorous exploration of the collective aspirations, assumptions, and imagination, of the people *in* history. By stressing that individuals are as important as the empirical observation of historical facts or events, Dilthey advanced a model of history as representative of the multifaceted nature of collective consciousness.

In light of Dilthey’s popular model of the social functions of history, Taylor’s comments would have been taken to mean that the history of the Third Reich is, at its very heart, the history *of the German people* – of their collective values, ethics, and aspirations throughout the Nazi years – and that the difficult “truths” uncovered during the tribunals were not merely meant to be solemnized, but rather, they were to be taken up and *used* by the German people, in an agonizing self-reflective endeavor to craft a cautionary narrative of their own political and moral failures.

In many ways, even though the *Nuremberg Report* functioned more as a “legal” document than an explicitly “historical” one, it *did* in fact establish a precedent for precisely

how transitional justice practices would be absorbed into the cultural storytelling process by asserting its own status as the “raw material of history.” In a city and country so utterly reduced to rubble, General Taylor’s allegorical framing of the tribunal’s grim findings to Dilthian images of “building materials” and “reconstruction” would have further awakened a perceived urgency for the German people to “build” a decisive historical narrative of the new postwar *zeitgeist* from the moral and political debris of the Nazi years.

As Taylor notes in his opening remarks to the IMT: “the United States Government has made a heavy moral investment in these trials, and this investment will not show a favorable rate of return if the [historical] records are left in the dust on the top shelf out of reach” (*Final Report* 100). According to Taylor, the primary reason for the American’s heavy moral investment¹⁹ in these trials was the facilitation of what he called, the conscientious “re-education of Germany” (101). That is, the Allied prosecution’s overt and concerted effort to prevail upon the German people the seriousness of their collective moral failings by presenting the “historical facts” of the Nazi crimes in an edifying, didactic, and excessively moralistic way – “to prevent Germany from ever again upsetting the peace of the world” (101). As Taylor explains, the Allied prosecutors had two primary objectives in publishing the *Final Report on the Nuernberg War Crimes Trials*, which were linked in an unambiguous cause-and-effect relation: “To promote the interest of historical truth and to aid in the re-establishment of democracy in Germany (100-101). In other words, there was a stated expectation by the American prosecutors that, were the German people to embrace a particular historical narrative of the Nazi years – one that was moralistic and remonstrative, not only in its condemnation of Nazi Party officials, but of *all* Germans who benefitted from the Nazi crimes – this would precipitate and expedite the re-establishment of German democracy.

In this way, from the very outset, one of the primary aims of the Nuremberg Trials was the production of a comprehensive history of the Nazi years, by and for the German people, in order to encourage and hasten the processes of democratization and denazification. It was, in fact, the newly established “Historical Branch” of the U.S. Army that collected many of the primary documents and conducted many of the interrogations that would later be used as evidence in the prosecution of the Nazi officials during the trials. In the midst of the war, the U.S. army – under the recommendation of President Roosevelt – founded the Historical Branch in order to document what it envisaged as a massive historical record of the Army’s WWII experience, in anticipation that this material would be of “great significance” in the direct aftermath. The Historical Branch was subsequently assigned to the War Department Special Staff, where it became known as the “Historical Division,” and placed under the command of a general officer, Major General Edwin F. Harding (Conn 120). Under Harding’s direction, a project was tabled for a multi-volume “official history” of the Army’s participation in the war, in order to provide a “great deal of detail that the Army itself needed for *educational* purposes” (Conn 120).²⁰

Under Harding, the Historical Division began production of the series, *The United States Army in World War II* – better known as the “Green Books” – by collecting documents seized during combat, and to “exploit enemy experiences” (Conn 120) of German officers who were captured as prisoners of war. These very seized documents and the transcripts of these interrogations would provide much of the so-called “raw materials” for the Nuremberg trials and its subsequent *Final Report*. General Taylor, commenting on the use of this material in the *Final Report*, noted that, from the beginning, the purpose for conducting these interrogations was with an eye toward their possible use as “historical materials” – as opposed to legal evidence for use in the tribunals – affirming, “[these interrogations] were

not carried out in the manner of ‘pre-trial interrogations’ as known to American courts, and it never would have occurred to the interrogators, for example, to warn the individual being questioned that anything he said ‘might be used against him’ [in a court of law]” (*Final Report* 59). Instead, these interviews were conducted, from the outset, with the intention of being used as “historical” material in the Army’s massive “History of the United States Army in World War II” project. That the bulk of the “evidence” used against the Nazi officials during the trials was initially gathered for the purpose of crafting a comprehensive historical narrative only emphasizes the intimate linkage between the tribunals and their implicit historiographic objectives.

As Taylor notes, because these documents had been initially prepared and collected as “historical” material and *not* explicitly as legal “evidence,” they proved exceptionally useful in expediting the political and ethical aims of the Allied prosecutors during the trials (see *Final Report* 59). In noting that many of the Nazi officials who had been interrogated by the Historical Division had believed their testimony would be used merely as “historical material,” Taylor reveals that many of the captured POWs divulged valuable self-incriminating information, which would later be used against them during the trials. In the *Final Report*, Taylor writes:

For the most part, the Germans who were questioned at Nuernberg and elsewhere talked with the greatest freedom; indeed they were often much too voluble. Needless to say, many of them were worried about the possible consequences of their past deeds, and were anxious to give their versions of questionable episodes with little or no prompting from the interrogators. In their haste to justify, excuse, or mitigate, they were prone to reveal facts or circumstances of considerable importance from the standpoint of war

crimes, and were often eager to point the finger of suspicion at others if such behavior seemed advantageous to them. (*Final Report* 59)

Moreover, in a detailed account of his own experience as Chief Historian of the Department of the Army, Dr. Stetson Conn notes that the aim of the so-called “Green Books,” which he refers to as “the largest undertaking in narrative historical work the American nation had ever known,” was not simply an attempt to craft an “official” history of the undertakings of the Nazi Party and their top officials, but also as “an attempt to craft ...an official record of *the whole of German society*” (116). In other words, this project was intended “not merely [as] an [historical] account of battles and campaigns, but of a whole national society organized for war, using all of its resources, both human and material” (Conn 120). It was from within the heart of this far-reaching socio-cultural historiographic template that the Historical Division went about collecting the documents and conducting the interrogations that would later be used as “evidence” in the Nuremberg tribunals.

There was, thus, always already an intimate link between the functionaries of the Nuremberg Trials, the directors of the Historical Division of the US Army, and the envisioning of a so-called “re-education” process in postwar Germany that would draw an explicit linkage between the crimes committed by the Nazi officials and the socio-cultural conditions throughout the German state that had seemingly “permitted” such atrocities to unfold.²¹ In the end, it would be this very connection that would ultimately frame the underlying discourse on the “collective guilt” of the German people, as the Nuremberg “Guilt Question” began to be taken up by newspaper journalists, local and federal politicians, historians, philosophers, and ultimately, novelists and filmmakers.

On Collective Guilt:

“The guilt of the German occupation forces is not only proven beyond a reasonable doubt but it casts a pall of shame upon a once highly respected nation and its people.”

(General Telford Taylor, *The Final Report on the Nuernberg Trials* 206)

In its most basic sense, the Nuremberg Trials demonstrated to the immediate postwar world that the Law could give rise to a series of concomitant extrajudicial effects on postwar German society by awakening the collective shame, fear, sadness, and guilt of the general population. By, framing the trials in terms of strict “punitive” justice – that is, making the “punishment” of the criminals a key judicial priority, above rehabilitation or reconciliation – the Allied prosecutors were free to extend the moral scope of their verdict onto the average German citizen through subtle rhetorical contrivances that insinuated the entire nation was “on trial.” This awakening of a “collective symbolic guilt” was invoked through the controversial perception that the prosecution were implicitly portraying the defendants as representative of a guilty German public – it was, perhaps, the very blatant sidestepping of any explicit accusations of public complicity in the initial stages of the IMT that would induce the most thundering recrimination of the German people. As Scott Allen Windham notes, the issue of the defendants’ representativeness of the wider German populace was always implied subtly by the prosecutors, as “an unwritten subtext, rather than a manifest topic of discussion” throughout the trials (xx). On the one hand, the prosecution went to great lengths to create the pretense of exculpating so-called “everyday” Germans from their condemnation of top Nazi officials. On the other hand, however, they repeatedly demonstrated an unmistakable incredulity regarding how crimes of this nature and scale could possibly have been committed without the passive consent of the entire German population, as evident in the rhetoric of the prosecutors throughout the duration of the

trials. It was this very polarity – between the actual language of the judges, prosecutors, and courtroom journalists and the underlying subtext of their arguments – that provided the condemnatory tension from which a very public discussion of the collective guilt of the German people arose.

The intended pretense of “universal exculpation” is most clearly evident in Justice Robert H. Jackson’s opening statement to the International Military Tribunal, in which he insists:

We would also make clear that we have no purpose to incriminate the whole German people. We know that the Nazi Party was not put in power by a majority of the German vote. We know it came to power by an evil alliance between the most extreme of the Nazi revolutionists, the most unrestrained of the German reactionaries, and the most aggressive of the German militarists The German people should know by now that the people of the United States hold them in no fear, and in no hate Nazi arrogance has made the boast of the ‘master race’ a taunt that will be thrown at Germans the world over for generations. The Nazi nightmare has given the German name a new and sinister significance throughout the world, which will retard Germany a century. The German, no less than the non-German world, has accounts to settle with these defendants. (Jackson, “Second Day, Wednesday, 11/21/1945, Part 04,” 98-102)

As Windham suggests, “despite the prosecution’s approach, the question of representativeness was always the elephant in the room at Nuremberg” (xv-xvi). “If nothing else,” Windham writes, “the sheer number of trials (thirteen) and defendants (125 – many of

them essentially accused of aiding and abetting the regime) raised the question of public support for Nazi crimes,” adding that in the twelve successor trials, the accused included not only “those who had directly committed crimes, such as concentration camp doctors and SS leaders, [but also] those whose criminal dealings were much less direct, including industrialists, military personnel, judges, and lesser Nazi officials” (xv-xvi).

The degree to which the perpetrators were to be judged as representative of the wider German public and the extent to which Germany was regarded as a “nation of Hitlers” was a continual theme of the prosecution’s campaign. As Wulf Kansteiner notes, the Nuremberg Trials participated in transforming the individual guilt of everyday Germans into a “collective symbolic guilt,” by merging the individual perpetrators of Nazi crimes (the defendants in the trials) with the general West German identity (6).

In addition to the continual subtext of the defendants’ representativeness of the wider German populace, the defense’s own argument also hinged on a rationalization that the defendants in the twelve successor trials were merely following orders from higher-ranking officials or, in the case of businessmen and industrialists, that they simply complied out of fear of retribution from SS officials. Together, both the dramatic displays of incredulity by the prosecutors about the public’s support for the regime alongside the defense’s “*mea culpa*” served to broaden the scope of guilt. As Windham adds, “Seeking to counter Taylor’s portrayal of defendants in the Justice Case, for example, defense attorney Egon Kubuschok argued that the justices’ guilt was mitigated because their role was simply to rubber-stamp the decisions of the Nazi inner circle. Yet in arguing that the justices ‘merely’ followed directives they knew to be criminal, Kubuschok opened the door to the idea that wide circles of Germans had done the same” (xv-xvi). The issue of “collective guilt” raised during the Nuremberg trials – what Jeffrey Herf has also termed the

“Nuremberg interregnum” (Herf 69-105) – goaded swaths of ordinary Germans into arguments amongst one another about the root causes of Nazism, the degree to which a sense of collective guilt (if any) ought to be placed upon the shoulders of the masses, and about what could have been done to avoid the tragic events carried out under the Third Reich, but not about its fundamentally evil nature.²²

Whatever is to be said of the prosecution’s overt suspicion of what they saw as the German people’s tacit consent to the Nazi regime, it was soon clear that the opening of a very public debate concerning the issue of “collective guilt” was to be one the primary and long-lasting outcomes of the trials.

Within the discursive space opened up by the so-called “Nuremberg interregnum,” a number of highly influential public intellectuals also took up the question of “collective guilt.” Karl Jaspers would be one of the first high profile figures to seriously interrogate the relation between the Nuremberg defendants and their representativeness of the wider German public. During the height of public interest in the Nuremberg trials, Jaspers dedicated his 1945-46 winter semester lectures at the Freie Universitat Berlin to the intensifying public discourse regarding “collective guilt.” In a short book titled, *Die Schuldfrage* (“The Guilt Question”), published in 1946 at the conclusion of the first IMT trial and based on the Berlin lectures, Jaspers argues that the German population ought to be regarded as politically responsible for – but not *morally guilty of* – the mass murder of Jews. Distinguishing between the state and the nation, Jaspers declared that citizens of a “state” (*Burger*, a political concept) may be held responsible for the crimes committed under the Nazi regime, but the “people” (*Volk*, a social concept) could not be legally incriminated for them, since only individuals are capable of committing crimes that are punishable by law. In the wake of the first public Nuremberg trial, Jaspers argues for a type of moral responsibility

that would address the politics of the state, writing: “the political condition and the total way of life of people are not to be divided” (Jaspers 14). To this end, Jaspers forcefully argues for judicial investigations of Nazi perpetrators, while he openly rejects the notion of a collective guilt, since the defendants in the Nuremberg trials “in no way stood for the German majority” (Jaspers, as quoted in Windham 14).

In this brief book, Jaspers thus addresses the question of the collective responsibility of the German people by firstly distinguishing between four main types of guilt. “Criminal guilt,” according to Jaspers, indicates the type of impartial and fair-minded assessment of evidence that finds a person (or a group of people) legally responsible for violating certain unequivocal state laws. According to this legal definition, which is to be judged on the basis of objective proof, both deliberate acts (such as assault or fraud) and passive acts (such as negligence) are marked by the same degree of intentionality and, therefore, the same burden of “guilt” is applied equally to both. Then there is “Moral Guilt,” which refers to an internalized sentiment that rests upon each individual’s own conscience; a feeling of having done wrong, or of having failed in some ethical obligation. This feeling is, of course, quite mercurial in contrast to the fixity of the legal definition of “Criminal Guilt,” and the distinction between negligence and intentionally injurious actions is much more imprecise. The third category outlined by Jaspers, “Metaphysical guilt,” is to be regarded, on the other hand, as an entailment of Jaspers’s own philosophy of transcendence and lends itself to a notion of a universal morality in which all men participate. Of “metaphysical guilt,” Jaspers writes, “There exists a solidarity among men as humans that makes each co-responsible for every wrong and every injustice in the world, especially for crimes committed in his presence or *with his knowledge*. If I fail to do whatever I can to prevent them, I too am guilty” (36, italics mine). According to this notion, all men have an ethical responsibility to one another which,

when not met, manifests as a unique and ubiquitous form of symbolic guilt. His last category, “Political guilt,” involves the deeds of politicians and implicates the citizens of a state for “having to bear the consequences of the deeds of the state whose power governs [them] and under whose order [they] live” (Jaspers 31). Jurisdiction rests, in this instance, with the power and will of the victor if the state should be defeated militarily.

For Jaspers, the problem of “collective guilt” could only be resolved through the careful delineation of these discreet yet mutually implicated types of guilt, which had been conflated by the Allied prosecutors during the Nuremberg tribunals. According to Jaspers, the former Nazi officials who were on trial were undeniably accountable for their “criminal guilt” in the concentration camps, but ordinary Germans should only be left to negotiate their answerability to the more mercurial forms of “metaphysical” and “political” guilt, independent of any externally-imposed legal or moral demands. As Stephen Brockman notes:

In contrast to many ordinary Germans who viewed the Nuremberg trials as an affront to the entire German people, Jaspers argues that because the Nuremberg tribunal clearly limits the concept of criminal guilt to a relatively small number of criminals, it actually relieves the German people of the accusation of criminal guilt - while simultaneously making their political guilt even clearer. (35)

At the same time, another prominent German intellectual had also begun to address similar objections to the question of “collective guilt” that would inculcate the wider population. Writing from exile in New York City in the midst of the IMT, Hannah Arendt published her essay, “Organized Guilt and Universal Responsibility” (1945), in the leftwing Zionist journal *Jewish Frontier*. Following Jaspers – her former professor at Heidelberg

University – Arendt’s essay centers on a similar distinction between “guilt” and “responsibility,” arguing that the conditions of life under the SS were such that it was “nearly impossible to distinguish between Nazis and [ordinary] Germans.” Prefiguring a theme that she would later expand upon in *The Origins of Totalitarianism* (1951), Arendt argues that the result of the SS terrorizing its own people reduced each individual to either explicitly committing the Nazi crimes that were, at that time, on trial in Nuremberg, or of passive complicity through a form of moral negligence. The real “extreme horror” to which any person of “good will” ought to react, Arendt argues, was not the willing execution of millions of citizens, but that, according to the social strata that the Nazi regime established throughout Germany, “everyone is either an executioner, a victim, or an automaton, marching onward over the corpses of his comrades” (150). Along these lines, Arendt concludes that, “everyone, whether or not he is directly active in a murder camp, is forced to take part in one way or another in the workings of this machine of mass murder – that is the horrible thing” (“Organized Guilt” 150).

The thrust of Arendt’s retort against American insinuations of collective guilt was rooted in a rigorous philosophical investigation of the lived-experience under Nazi rule. Since the American victors had not suffered the dreadful realignment of basic moral values under Nazi rule as the Germans had, it was impossible for them to comprehend the gradual gestation of such degeneracy within everyday, bureaucratic life. Simply by living their lives, Arendt suggests, the German people inculcated themselves into the “vast machine of administrative mass murder” (150), therefore rendering guilt both everywhere and nowhere. “When all are guilty,” she famously declared, “nobody can be judged” (150). For this reason, Arendt calls for a philosophical interrogation of the variance between a “collective guilt” and a “shared moral responsibility.” For Arendt, while some Germans were *unquestionably* more

“guilty” than others, the terror the SS had inflicted upon its own people had also condemned Germans, as a whole, to a certain moral “responsibility” for those crimes. In particular, Arendt identifies the upper-crust bourgeoisie – “[who were] sympathetic to Hitler ... [and] aided his rise to power” (149) for personal gain, or out of ignorance and greed – as bearing a distinct measure of *responsibility* of the Nazi crimes. Yet, insofar as they did not wilfully conspire to carry out the horrors of the concentration camps, she asks: “Who would dare brand all these ladies and gentlemen of high society as War Criminals?” (150).

Arendt then bears out this rhetorical line of questioning by directing her readers to an excerpt from an interview with a so-called “ordinary” German who is facing execution by the Russians for his role as a paymaster at an extermination camp. The undeniable emotional highlight of Arendt’s essay, the interview is enlightening for its illustration of the degree to which many Germans had trivialized the radical realignment of their basic moral values under Nazi rule, incorporating the Reich’s ideology of hatred into their everyday lives. After listing the types of activities that he had participated in through his role as paymaster – including poisoning inmates and burying them alive – the man expresses genuine outrage upon learning that the Russians might put him to death. All he can do is break down in tears and ask, “What have I done?” Arendt responds to his plea by suggesting, “Really he had done nothing. He had only carried out orders, and since when has it been a crime to carry out orders? Since when has it been a virtue to rebel? Since when could one only be decent by welcoming death?” (“Organized Guilt” 151). Arendt points out that the man *had*, in fact, simply complied with the orders of his superiors, “for the sake of his pension, his life insurance, the security of his wife and children [and thus] was ready to sacrifice his beliefs, his honor, and his human dignity” (152) – the very same argument that many defendants in the subsequent Nuremberg Trials would base their own public defenses on. In this way,

while Arendt condemns the vilification of the entire German nation, she also complicates the distinction between “guilt” and “responsibility” in a subtle yet complex way that only the German people could appreciate at the time. What struck Arendt was that, for many Germans, their passive involvement in the Nazi crimes did not instinctively result in feelings of guilt or remorse. Instead, it was not until the Allied victors began publicly interrogating the idea of a collective symbolic German guilt within the context of the Nuremberg tribunals that such questions arose.

As the paymaster’s reaction illustrates, the perceived distinction between “guilt” and “responsibility” hinged on a similar justification: that simple bureaucratic acquiescence to Nazi crimes was a matter of survival for millions of “ordinary” Germans, while criminal “guilt” – which is implicitly tied to deliberate acts of clear intent – ought to be reserved only for those in positions of authority. The Americans succeeded in unsettling this traditional “guilt/responsibility” paradigm, however, by crafting a legal narrative that declared all acts of obedience to one’s superiors not only punishable by law, but as an equivalent moral offense, as well. As evidenced most explicitly in the *Einsatzgruppen* Trial (1947-1948) – the tribunal of the notorious “SS mobile death squads” that murdered roughly one million Jews in occupied territories – any low-ranking lieutenant or captain who carried out orders issued by his commanding officer was to be tried and convicted on equal grounds, with nearly all sentenced to death by hanging, regardless of their ranking. But while the American prosecution’s decision to undermine the “superior orders” plea – what chief prosecutor Taylor described as “howling with the wolves” (*Final Report* 109) – was described as a legal and moral necessity based on the severity of the crimes,²³ it also provided an incontrovertible validation to the “collective guilt” narrative that would expedite and encourage the implementation of the *denazification* efforts (as we will see in the following chapter, in

contrast to the American approach, the Argentine commission tasked with prosecuting the former military dictatorship for murdering thirty-thousand of its own citizens had, in fact, determined it politically and economically advantageous to *prevent* any mood of “collective guilt” from circulating, and therefore, had deliberately structured its war crimes tribunals and concomitant narrative history to *uphold* the “superior orders” plea as a defensible and entirely forgivable justification for participation in mass murder).

In many ways, the Nuremberg defendant’s plea of “superior orders,” which rested on the argument that one faced certain death if they failed to comply with senior commands, echoed many everyday Germans who had justified their own private acts of conformity or inaction as a matter of survival. As David H. Kitterman points out, more than fifteen thousand German troops were, indeed, executed for desertion or dereliction of duty by the *Wehrmacht* during the war (455), while scores of business owners claimed to have been similarly threatened with violence and/or the loss of property and assets for noncompliance to SS orders. For instance, the prosecution summarizes Gustav Krupp’s defense in Nuremberg trial No. 10 (The Krupp Trial) as follows:

To avoid losing my job or the control of my property, I am warranted in employing thousands of civilian deportees, prisoners of war, and concentration camp inmates, keeping them in a state of involuntary servitude; exposing them daily to death or great bodily harm, under conditions which did in fact result in the deaths of many of them; and working them in an undernourished condition in the production of armament intended for use against the people who would liberate them and indeed even against the people of their homelands. (*Final Report* 110)

In time, the Nuremberg trials forced everyday Germans to radically reconsider their perceived complicity in the Nazi crimes through its carefully renegotiated ethical framework that conflated passive complicity with the symbolic weight of “legal guilt.” In a sense, the Nuremberg trials had equated all those Germans who felt they had simply “complied for the sake of survival,” in a symbolic way, to the commanding Nazi officials who had been very publicly sentenced to death for their crimes during the IMT. As Kim C. Priemel and Alexa Stiller note, owing to the obvious equivalence between the defense’s plea of “superior orders” and many Germans’ own rationalization for their complicity and inaction during the Nazi years, “the Nuremberg trials rapidly turned from an [initial] effort at judicial reckoning to [an eventual] forum for protracted negotiations over German history...” (2).

As the issue of widespread complicity became ever more prominent within journalistic and political discourse in the years to come, taking on a much wider cultural significance beyond its initial legal purpose, this ambiguity between the legal “guilt” of the defendants and the moral “responsibility” of the wider population would be correspondingly foregrounded in many literary and cinematic depictions of the trials.

The cultural resonance of this debate had a particularly striking effect on Bertolt Brecht’s and Paul Dessau’s 1939 opera, *The Trial of Lucullus*, for instance, which portrayed the great Roman tyrant on trial before a judge and jury of the underworld following his death. Initially conceived during Hitler’s rise as a portentous forewarning of the grand promises of powerful despots – despite his infamy for unabated cruelty, Lucullus, like Hitler, boasted of his minor accomplishments, particularly the introduction of the cherry tree to Rome – Brecht and Dessau were later compelled to rewrite the opera’s final scene in the shadow of the Nuremberg trials. The original 1939 version had concluded with the jury withdrawing offstage to consider the verdict, which as Hans Peter Obermayer notes, “left to the audience

the decision whether or not Lucullus should be received in the Fields of the Blest” (“Yes, to Nothingness!” 226). According to Dessau, however, the moral ambivalence provoked by this original open-ending had now felt “out of date [in 1949] in view of current political events: the Nuremberg War Crimes Trials” (226). In light of the public debate surrounding the Nuremberg “Guilt Question,” Dessau and Brecht rewrote the concluding scene – titled *Das Urteil* (“The Verdict”) – to instead portray the chorus, representing the German people, as vociferously and unequivocally condemning the former tyrant in a united gesture of their shared moral responsibility. As the judge and each of the jurors emphatically condemn Lucullus, sending him off to eternal “Nothingness,” even the farmer who benefitted most immediately from the introduction of the cherry tree asserts a crystal-clear statement of the German people’s post-Nuremberg moral realignment: although they may all be *morally responsible* for the rise of “Lucullus,” it is he who must face up to the *guilt* of his crimes.

But while many German writers and artists in the post-Nuremberg climate, like Dessau and Brecht, had gone to great lengths to demonstrate their – and their compatriots’ – lack of moral ambivalence surrounding the Nazi past, American political, journalistic, and artistic intrusions into the debate continually threatened to undermine any self-willed German progress on the “Guilt Question.” Particularly inflammatory was the perceived goading of the German people in Stanley Kramer’s critically acclaimed film *Judgment at Nuremberg* (1961). Encapsulated by the spirited opening statement made by German defense attorney Hans Rolfe – played by Maximilian Schell (who would win the Academy Award for Best Actor for this performance) – the film announces its central thesis of “collective German Guilt” at the outset, with a moving address that evokes the very same themes that Arendt had drawn upon in her 1945 essay. In the film’s climactic opening courtroom scene, Rolfe declares:

The statement: ‘My country, right or wrong...’ was expressed by a great American patriot. It is no less true for a German patriot. Should Ernst Janning have carried out the laws of his country? Or should he have refused to carry them out and become a traitor? This is the crux of the issue at the bottom of this trial. The defense is as dedicated to finding responsibility as is the prosecution. For it is not only Ernst Janning who is on trial here... it is *the German people!* (*Judgment at Nuremberg*)

As will be examined in greater detail in the following section, Kramer’s film was widely regarded within West Germany as epitomizing the arrogant, condescending, and un-nuanced accusatory tone of the American prosecutors, and for “whitewashing” the moral complexities of the debate, which the German public was increasingly solicitous about cultivating during the immediate post-Nuremberg period (despite persistent American meddling throughout the 1950s). But while the American “Guilt Question” was perceived as being marked by a brash and rough-hewn accusatory style, the common German response initially evinced a more cautious – and for that reason, more nuanced – negotiation of the moral undertones of the debate. This self-styled introspective – perhaps even pensive – response, as initially typified by Arendt and Jaspers, would eventually come to constitute the boundaries of the German public response to what was considered to be a vulgar accusation by their American victors in the years surrounding Nuremberg. As the trials had awakened the burden of a “collective guilt” through the implicit rhetorical devices of General Taylor and his staff, the public discussions of this question in newspapers, on the radio, and in the streets evoked a painful, yet urgent, internal reflection on the part of the German people.

Despite their supposed air of impartiality inside the courtroom, the American

prosecutors did little to hide their suspicion of the German people in licensed newspapers, radio addresses, press releases, and leaflets, prompting a series of indignant responses from several high-profile German newspaper editors and radio personalities.

One of the most notable responses came from prominent journalist and editor of *Die Zeit*, Marion Gräfin Dönhoff, who, as Mark A. Wolfgram notes, “lash[ed] out at the Nuremberg Trials and judges for having created the charge of collective guilt” (Wolfgram 21). In response to what she called “the collective guilt that foreigners tried to place upon the German nation,” Dönhoff writes: “They [the judges at the Nuremberg Trials] portrayed everyone who had not deserted [the German Army] as a cad and stamped each who had stood up to the enemy [the Allies] a moral coward. How incomprehensible must that have been for all those who had endured and believed they had only done their duty” (Wolfgram 121).

In a similar vein, on January 22, 1948, Richard Tüngel – then editor-in-chief of the same postwar German newspaper, *Die Zeit* – published an editorial in which he starkly criticized the proceedings of the Nuremberg trials and the rumored conduct of the American prosecutorial team. Although many of the details that he cited were later proved to be false (or at least rumored exaggerations), the worries and apprehensions that he voiced echoed those held by many Germans at the time. In accusing the Nuremberg courts of imposing “a tragic mockery of American justice” upon the German people and comparing the tribunal’s approach to the practices of the special courts under the Third Reich, Tüngel calls for a “review of the prosecution’s method by a high-ranking, unbiased agency, so that the German people can develop confidence in the Nuremberg Trials” (“Nuremberg Law,” *Die Zeit*).

Tüngel condemned the public’s acquiescence to the American dominance of the trials and the pervasive public silence in the face of rumors of “innocent witnesses [being]

detained for months,” of being “pressured into signing false records,” and of reports of “threats and intimidation to which witnesses [were] subject.” “But now,” he writes, “after six German lawyers have been arrested in court during the Krupp trial, now, when attorney [Ernst] Achenbach is threatened with the same just a few days before his client’s case goes to trial, now we can no longer remain silent” (“Nuremberg Law,” *Die Zeit*). In reflecting the same accusatory language that the American lawyers had directed toward much of the public, Tüngel declares that, “We do not want to be accused once again of merely watching like cowards when we believe that the law is being violated” (“Nuremberg Law,” *Die Zeit*). Instead, his article aims to turn the accusatory eye toward the American prosecutors. He concludes: “We accuse. We, who have always hated Hitler and his ‘Third Reich,’ we, who have demanded that the guilty of the Nazi system should be severely punished, we now find ourselves compelled to stand up and ensure that justice is done in Nuremberg” (“Nuremberg Law,” *Die Zeit*).

In response to Tüngel’s Editorial, *Die Zeit* published a response from George S. Martin, Deputy Public Relations Officer for the U.S. Office of Chief of Council for War Crimes on February 12, 1948. In his response, Martin snidely chides Tüngel and, by proxy, the entire German people for whom Tüngel speaks. In a scornful and derisive tone, Martin writes:

To the Editor-in-Chief, Dear Sir:

It was with great interest that I read Mr. Tüngel’s article “Nuremberg Law” in your issue of January 22, 1948. I appreciate the fact that one occasionally finds in the German press a journalist who has an opinion of his own and also voices it. I appreciate it even more when that opinion is based on fact. Your ‘we accuse’ would have resounded in my ears had I not been roused to

joviality by the man's facts and the pathos-laden tone of his article, which reminded me so much of the *Völkischer Beobachter* [the official newspaper of the Nazi Party]. [...] I do not know the length of the detention in the witness wing of our court that enabled you to write such a lovely and touching description of our interrogation methods. Intimidation, threats, attempts to have false records of proceedings signed – you could have copied all of this from an old report on the Gestapo, if I didn't know that you could never have published this article [...] But the witnesses we have here were detained because they were charged by the courts of their own country, namely Germany [...] And now suddenly you can keep silent no longer because Achenbach and six Krupp lawyers have been arrested. Why could you keep silent when Achenbach committed the crimes for which the German authorities arrested him? [...]

I will skip over the next paragraph of your article, the one in which you describe the facts in such a distorted manner that I would feel bad about the paper I would waste and about my secretary's fingers, which I would overtax in my response. [...] You can criticize the Nuremberg Trials all you want; nevertheless, they remain an institution in which one can participate with pride. Once you have understood what democracy is, you will also understand this. (Martin, "Letter to the Editor")

As a representative for the American prosecutorial team at the Nuremberg trials, Martin's denigratory response to the worries and consternations of the German public only served to reinforce the underlying charges of collective guilt that many Germans had

detected in the rhetoric of the Allied judges and lawyers in the courtroom. Despite Justice Jackson's and General Taylor's fervent reiterations, again and again, that the "German people [were] not on trial," that the Americans had "no purpose to incriminate the whole German people," and that "the people of the United States hold [everyday Germans] in no fear, and in no hate," the continual broaching of this issue (even in such a passive way) would be construed as a series of underhanded condemnations of the German public for their perceived complicity during the Nazi reign. That this issue was repeatedly raised by the American prosecutors throughout the course of each of the Nuremberg trials was regarded as definitive proof of an underlying vilification of the German people, even though the topic was couched in such passive and conciliatory language.

While, on the one hand, these comments were certainly regarded as a series of concessions to the obligatory comportment and erudition of expected courtroom behaviour, they also underscored the ambivalence between legal "guilt" and social "responsibility" that even the judges and lawyers had difficulty negotiating. Even within the American prosecution team at the initial IMT, General Taylor and Justice Jackson openly disagreed about whether or not the Nuremberg trials should indict only high-ranking Nazi officials who would be perceived as symbolically separate from so-called "ordinary" Germans, or whether common citizens ought to have also been tried on the basis of the failures of their "moral character." While Taylor held that the trials should focus solely on those former Nazi officials who represented the core ideology of the "Nazi Party," Jackson was committed to indicting less-notable citizens who had colluded with the regime out of fear, or in the interest of what some saw as "self-preservation." To his mind, the conjectural distinction between "guilt" and "responsibility" was not as clear-cut as public intellectuals such as Jaspers and Arendt would suggest, and he was unwavering in his efforts to prosecute all those who he

saw as being guilty of “moral cowardice” and “criminal irresponsibility.”

The most notable instance of this disparity followed the acquittal of Hjalmar Schacht, the former minister of economics and president of the Reichsbank. Although Schacht had resigned as Economics Minister in 1937 over what he called, in his Nuremberg defense, “a change of heart regarding the direction of the Third Reich,” and despite his later connections to the July 20 resistance circles, and in spite of the fact that he had ended the war as an internee at the Ravensbruck concentration camp for his “disloyalty” to the Reich, Justice Jackson was adamant that Schacht’s prewar connections to the regime justified a conviction of the death penalty at the initial IMT trial. As Anne Sa’adah notes:

In his closing argument, Jackson used Schacht to summarize the contradictions and moral depravity that first explained why men might have been drawn into collaboration with a criminal regime, and then allowed such men to maintain their innocence. Jackson condemned Schacht in personal terms for moral cowardice and criminal irresponsibility. Here, Schacht is not a ‘symbol’ or a stand-in for a state that cannot be placed in the dock; he is an individual who, faced with moral choices, repeatedly chose poorly, and then, when confronted with the reality of his actions, persistently denied that he bore any responsibility” (159).

As General Taylor notes in the *Final Report*, “[Schacht’s] attorney [Dr. Rudolph Dix] no doubt spoke from the heart when he urged, on behalf of his clients... that the pressure and dangers of the Nazi dictatorship had forced them, out of prudent regard for the preservation of their businesses, to take many steps in self-protection which they would not have taken in less tense circumstances” (*Final Report* 48-49). Nonetheless, as the Schacht case

demonstrated, Justice Jackson was reluctant to draw a clear distinction between legal and symbolic moral guilt and, in doing so, overtly reinforced the charge of “collective guilt” onto those Germans who demonstrated what he regarded as a “moral negligence” in failing to defy the “Nazi machine.”²⁴

Jackson, in his dramatic closing statement declared that, “Schacht represents the most dangerous and reprehensible type of opportunism – that of the man of influential position who is ready to join a movement that he knows to be wrong because he thinks it is winning. These defendants ... know that their own denials are incredible unless they can suggest someone who is guilty” (Jackson, “Closing Arguments” 104).

This impassioned condemnation of a man whom many Germans had considered to be a courageous dissenter of the vicious Nazi ideology represented what many had perceived as an underhanded recrimination of the entire population by the Allied prosecutors. Jackson’s accusatorial language seemed to sum up the underlying subtext that guided the course of the Nuremberg tribunals: as an earnest and seemingly official legal tribunal, the primarily American orchestrated proceedings were only able to find those who, “without a shadow of a doubt,” could be proved guilty of committing Nazi war crimes; nonetheless, the Justices suspected that a much larger segment of the general population was, at least symbolically, guilty of some form of complicity, if not outright collaboration.

But while the rhetoric of the prosecutors within Nuremberg trials was grounded in subtext and insinuation, the question of the defendants’ representativeness of the wider population was compounded by the larger simultaneous project of denazification, in which the Allied forces could be much more heavy-handed in their rhetorical approach. While the trials were unfolding in Nuremberg, the American occupation forces had also begun a simultaneous campaign of affixing propaganda posters throughout many German cities,

featuring intensely graphic photographs of the concentration camps accompanied by slogans such as: “These Atrocities: Your Fault!” (*Diese Schandtaten: Eure Schuld!*) (Fig. 2.1); “This is Your Fault” (*Das ist eure Schuld*); and “Whose Fault?” (*Wessen Schuld*) (Fig. 2.2). In smaller print, one of the posters featured the sensational caption: “In twelve years the Nazi criminals tortured, deported and murdered millions of Europeans. Men, women and children were hounded by Hitler’s brutish henchmen and tortured to death just because they were Jews, Czechs, Russians, Poles or French. You looked calmly on and put up with it in silence. [...] You looked on and took no action. Why did you not shake the German conscience awake with some word of protest, some cry of indignation? That is your great fault – you share in the responsibility for this cruel crime!” (Fig. 2.1) As Aleida Assmann notes, the occupation forces had sent out a series of directives to Allied press agencies affirming that these posters were explicitly meant to convince the German population of their collective responsibility for the Nazi genocide, and to thereby contribute to the eradication of pro-Nazi sentiments that may have carried on in the post-Nuremberg years (Assman and Frevert 117).



Fig. 2.1 Allied Propaganda Poster. Lithograph and letterpress
 Caption: “These shameful deeds: your fault! In twelve years the Nazi criminals tortured, deported and murdered millions of Europeans. Men, women and children were hounded by Hitler’s brutish henchmen and tortured to death just because they were Jews, Czechs, Russians, Poles or French. You looked calmly on and put up with it in silence. [...] You looked on and took no action. Why did you not shake the German conscience awake with some word of protest, some cry of indignation? That is your great fault – you share in the responsibility for this cruel crime!”

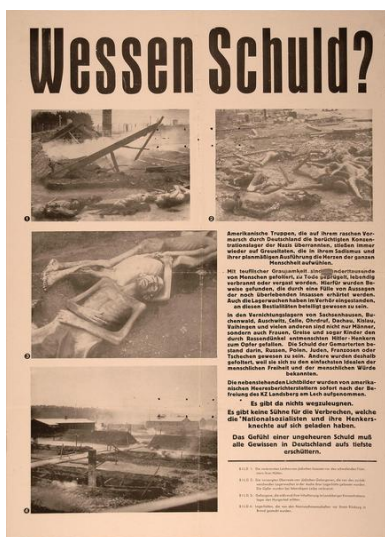


Fig. 2.2 Allied Propaganda Poster. Lithograph and letterpress
Caption: “Excerpt: ...Who is guilty of the atrocities committed against humanity in your midst...?”; “YOU ARE GUILTY!”

Source: National Archives, Baden-Württemberg, Dept. of the State Archives of Freiburg.
<http://www.landesarchiv-bw.de/plink/?f=5-171009-1>. Accessed August 4, 2016.

Given that these jarring images and condemnatory messages would surely have been interpreted in the shadow of the ongoing Nuremberg trials, the propaganda campaign served to conflate the two definitions of “judicial guilt” and a “shared symbolic guilt” in the collective psyche of the German people. To this end, the so-called denazification project can be considered a continuation of the wider project of transitional justice that the Allied forces aimed to achieve in West Germany – in fact, the trials cannot be interpreted apart from the denazification propaganda campaign – since a central feature of the transitional justice process includes the implementation of laws and ordinances based on the legal justice meted out during the judicial inquiries that are meant to both “correct” past injustices and prevent further offences from being committed in the future. To this end, the accompanying denazification laws and censorship directives aimed at purging German society of all remnants of Nazi ideology were a complimentary undertaking alongside, if not a direct result of, the Nuremberg Trials.

But while the Nuremberg tribunals would require the pretense of a dispassionate and even handed judicial prudence to signal an unequivocal transition to the desired post-Nazi cultural and political framework that the Allied forces had envisioned, the overtly damning propaganda campaign could more blatantly condemn the German public for their perceived role in the Nazi genocide. Together, within the context of this twofold campaign, the Allied victors worked to engender the collective sentiment that the internalization of a symbolic guilt amongst the German people was crucial in order to achieve the comprehensive sense of “Justice” that the post-war transition would demand.

In this sense, the American overseers of the Nuremberg Trials were able to reconstruct the crimes, the history of those crimes, and the “evidence” of them on their own terms and according to their own socio-ethical paradigm which would then *guide* the way this particular historical narrative would become normalized through the processes of remembering or retelling – in other words, the careful controlling of the so-called “Nuremberg narrative.”

The German Appropriation of the “Guilt Narrative” and the Ascent of Gruppe 47:

The German reception of the trials was, from the outset, tempered by a very complicated set of political and emotional convictions.²⁵ On the one hand, there was *indeed* a pressing need to come to terms with their shared past; but on the other hand, there was a pervasive sense of resentment that the judgments being leveled against top officials – and by proxy, the German public as a whole – were being overseen by the Allied victors. This “external” judgment was, thus, widely regarded as reawakening the national indignity of the Treaty of Versailles, which had, decades earlier, institutionalized a similar social framework

for the evocation of a collective German guilt. In the wake of the Nuremberg Trials, the national program of denazification was widely received in the shadow of Article 231 of the Versailles treaty, colloquially known as the “War Guilt Clause.”²⁶ This much-debated article of the Versailles treaty, which had forced everyday Germans to atone for their government’s war-actions through the meting out of crippling economic reparations, had reawakened the ignominious ghosts of the past, and had once again forced the German public to internalize a collective sense of responsibility for their government’s criminal actions. In many ways, for the older generation of Germans who had already been forced to experience such a large-scale sense of collective guilt following the First World War, the actions at Nuremberg would have built upon this historical precedent in a way that re-ignited the guilt of the past (particularly, its having been dispensed by the Allied victors) and re-figure these sentiments in the present moment. In this light, the criminal prosecution and removal of high-ranking officials from various government sectors during the Nuremberg trials was regarded for this generation not only as a slight against the German people, but also as an economic and administrative impediment to the postwar reconstruction efforts.

This “collective outrage,” as several commentators have noted (notably Mary Nolan and Wulf Kansteiner), translated into a relatively widespread refusal during the immediate aftermath of the Nuremberg trials to engage in any meticulous self-reflective interrogations of the extent to which so-called “ordinary Germans” were implicated *in* and were the beneficiaries *of* the Nazi crimes. Although a small number of prominent intellectuals, such as Jaspers and Arendt, had already begun to wrestle with the conceptual implications of a “symbolic guilt,” relatively few writers, artists, or filmmakers had genuinely begun to grapple with the concrete reverberations of the “Guilt Question” in the years directly following the conclusion of the Nuremberg trials.

These attitudes were reinforced by the many postwar hardships that most Germans were absorbed in at the time and which recalled the similar set of tribulations they had faced in the wake of the First World War. While decades earlier, these hardships had been symbolically bound-up with the Versailles Treaty's austerity measures that reinforced a comparable sense of national guilt, once again the German people were facing a crippling food shortage, the inundation of many millions of refugees and displaced persons, and the utter destruction of cities such as Nuremberg, Dresden, Pforzheim, and Hamburg, all while grappling with the question of their own collective responsibility for the Nazi crimes. While the wider population digested the symbolic weight of the Nuremberg rulings, most Germans found themselves preoccupied by the postwar necessities of locating missing family members, finding suitable housing, and procuring enough food to feed their loved ones. With many major German cities in ruins, it is no surprise that the bulk of the immediate postwar literature sought out ways to illustrate these grave hardships confronted by the German population during and after the war, while sidestepping any rigorous examination of weighty moral questions.

From within this desperate situation, a pronounced generational divide unfolded within the literary and cultural landscape, in which the older generation (who had lived through the previous invocation of symbolic guilt following the Versailles Treaty) sought to preserve the Expressionist principles of the Weimar Republic, filtered through the distinct language of political exile. Holding on to the weighty philosophical and moral ideals of the Weimar era, celebrated writers such as Thomas and Heinrich Mann, Bertolt Brecht, Erich Maria Remarque, Anna Seghers, Alice Rühle-Gerstel, and Alfred Döblin – who had each escaped Nazi persecution and censorship through self-imposed exile and had, therefore, avoided the immediate hardships that most postwar Germans were facing – continued to

articulate their experiences from both an intellectually and geographically “removed” perspective. Meanwhile, a younger generation who had come of age during the Nazi years sought to articulate the harsh reality of the present era via what they perceived as more meaningful Naturalist and, perhaps even, nihilist aesthetics.²⁷ Rejecting the grandiloquent language of their exiled predecessors, this new generation of writers attempted to create an original literary style that would allow them to “start anew, to proclaim a ‘zero hour’ from which to go forward” (21). As Ernestine Schlant suggests, “In their search for a new language, [these] young writers of the ‘literature of the rubble’ [*Trümmerliteratur*] ... experimented with a spare, colloquial style in the manner of newly accessible writers like Hemingway and Faulkner” (21), while also daring to wrestle with the “guilt” question that had been lingering on the horizon of public consciousness during the Nuremberg tribunals.

Often war veterans, many writers of the newly emerging *Trümmerliteratur* generation had experienced the rise of the Nazi regime as young men and women, and had directly faced both the horrors and the magnetism of the regime from within. As drafted soldiers, several of these writers had been captured as American prisoners of war – including Günter Grass, Wolfgang Bolchert, Alfred Andersch, Hans Werner Richter, and Henrich Böll – where they were exposed to both the more restrained prose style of contemporary American literature as well as strict anti-fascist “re-education programs” meant to prepare them for becoming the future leaders of a liberated Germany.

While in American POW camps, Andersch and Richter founded the German-language newspaper *Der Ruf* (“The Call”), which according to critic Peter Demetz was widely regarded as “the most intelligent and liberal” German POW publication in the U.S. and occupied Germany (49). After the return of German POW’s, Andersch and Richter continued to publish *Der Ruf* in the American occupation zone, in which their discussion of

“topical issues, including collective guilt” were considered to be both “acute and intelligent” (Demetz 49). After the publication’s license was revoked by the U.S. authorities in late 1946 on the grounds that the editors had been “promoting nihilism” – one of the aesthetic traits that has since come to define the Group 47 literary style – and because Andersch and Richter had subsequently come to criticize and reject American occupation in later editions of the journal, the contributors to *Der Ruf* established the literary association known as “Group 47,” which became the launching pad for several prominent authors such as Günter Grass and Henrich Böll. The aim of Group 47 was “to develop and use a literary language that stood in radical opposition to the complex and ornate prose style characteristic of Nazi-era propaganda” (Grass, “The Art of Fiction, No. 124.”), alongside the conviction that literature would play a decisive role in the moral and intellectual changes in postwar Germany – a sentiment echoed in Andersch’s well-received 1948 essay, “*Deutsche Literatur in der Entscheidung*” (“German Literature at the Turning Point”).²⁸

It was within this cultural landscape that the “literature of the rubble” gained full prominence and commercial success among the war-ravaged nation, eventually eclipsing the illustrious stature of the previous Weimar generation of writers. The most common leitmotif of the German “rubble novel” is its reflection on the moral and political condition of the German people in the wake of its Nazi past. The utter devastation of many German cities, which provide the setting for these works, serves also as a metaphor for the moral devastation of the general population. But, as Robert R. Shandy notes, “rubble metaphors gradually gave way to phoenix metaphors” (150), and in time the Group 47 era of writers began to present a collective portrait in which Germany might rise from the ashes of National Socialism by way of a serious and genuine interrogation of its own culpability and involvement in the crimes of the Nazi regime.

For these writers, owing to their involvement in the Wehrmacht, the Nuremberg tribunals served as the springboard for a critical self-reflection on their generation's involvement in the Nazi crimes and, consequently, the heavy moral burden of a collective German guilt through their literary endeavors. In his celebrated and controversial memoir, *Peeling the Onion* (2006), Günter Grass admits that it was not until the Nuremberg trials that he truly understood the so-called "truth" about Hitler's genocidal policies. "It was neither the (American) education officer's arguments nor the overly graphic photographs he showed us [in the POW camps] that broke through my obstinacy," he writes; "no, I did not get over my block until a year later, when I heard the voice of my former Hitler Youth leader, Baldur von Schirach... coming from the radio. Those accused by the Nuremberg tribunal of being war criminals were entitled to take the floor one last time before the verdict was read out. In an attempt to exonerate the Hitler Youth, Schirach asserted his ignorance, claiming that he and only he was aware of mass extermination as the final solution of the Jewish question. I had to believe him. I continued to believe him" (*Peeling the Onion* 196-197). Although conscripted members of the Waffen SS were exempted at the Nuremberg trials for being victims of so-called "involuntary servitude," Schirach's defense before the court served as the personal impetus for what Grass would call, "the German guilt that has lived on from generation to generation and must remain forever indelible" (*Peeling* 196). In reflecting upon this experience, he adds: "It was some time before I came gradually to understand and hesitantly to admit that I had unknowingly – or, more precisely, unwilling to know – taken part in a crime that did not diminish over the years and for which no statute of limitations would ever apply, a crime that grieves me still. [The] Guilt and shame it engendered can be said, like hunger, to gnaw, gnaw ceaselessly. Hunger I suffered only for a time, but shame..." (Grass, *Peeling* 196).

Before the publication of his memoir, Grass had already begun to wrestle with the question of “collective guilt” in his earlier essay, “What Shall We Tell Our Children?” (*On Writing and Politics: 1967-1983*). In this piece, Grass refers to the Holocaust broadly as the “German crime,” adding: “the past never ceases to be present to us, and we are still asking ourselves: How could such a thing happen?” (75). His decision to refer to the Nazi atrocities as the “German” crime bespeaks the type of collective responsibility that the Group 47 writers had tasked themselves with confronting (and which, in many ways, separated them from their Weimar predecessors), while his choice of the deictics “we,” “us,” and “ourselves” – speaking reflexively in the first-person plural – inculcates the entire German population, suggesting that this is *our* crime, with which *we* must come-to-terms amongst *ourselves*. He writes:

For the first time, I was confronted by the question: What explanation shall we give our children? It was easy enough to tell them what I had been doing: I was a Hitler Youth, aged seventeen at the end of the war and called up with the last draft, too young to acquire guilt. But when I was asked, ‘What if you had been older?’ it was hard to answer. How could I know for sure what I would have done? The belated anti-Nazism of my generation was never subjected to the danger test. I could not swear that, if I had been six or seven years older, I would not have participated in the great crime. My doubts were such that I was plagued by nightmares in which I felt myself to be guilty. The dividing line between real and potential action was blurred. (“What Shall We Tell Our Children?” 86)

Asking more questions than providing any concrete answers, Grass' rhetoric is indicative of a young generation struggling to come to terms with their place in the history of the Nazi years. Continuing in this interrogative tone, he argues: "Thirty-five years after Auschwitz the problem confronting Germans is once more: What shall we tell our children? Or, more precisely: How are parents born after the war... to explain to their own children what was done 'in the name of the German people' in Auschwitz, Treblinka, and Majdanek? What are they to say of the German guilt that has lived on from generation to generation and must remain forever indelible?" ("What Shall We Tell Our Children?" 75-76). He continues, contemplating why other nations have avoided the oppressive sense of collective or national "guilt" for their own respective crimes, while the German people have taken upon themselves the full gravity of the Third Reich's Final Solution:

Other peoples have been more fortunate in a dubious sort of way – that is, more forgetful. No one thinks of holding the Russian people responsible for the mass murder committed in the name of the Revolution under Stalin. Relatively few citizens of the United States feel responsible today for the American war crimes committed in Vietnam. England, France, and Holland have successfully forgotten the injustice of their colonial regimes. All that is water under the bridge, ancient history, and history goes on. The Germans alone cannot evade their responsibility. The more inoffensive they try to seem, the greater the dread they inspire in their neighbors. Their economic success cannot conceal the moral vacuum engendered by their incomparable guilt. No amount of talk about the innocence of the Germans who had not yet been born or about the crimes of other peoples can relieve them of their guilt. Others point at them, and they point at themselves. With the same

merciless pedantry that tolerated, planned, and carried out the genocide of six million Jews, they go on asking themselves why it happened, and being asked (more urgently with each generation) by their children. As in the Old Testament, guilt lives on and is inherited. (“What Shall We Tell Our Children?” 76)

It was in this vein that the *Trimmerliteratur* generation set about intruding upon the literary silence of the earlier generation of German writers, throwing themselves (and their work) into the highly charged public arena in which opinions regarding collective guilt were a daily topic on the political and cultural stage. Through their literary work, this young group of writers set about negotiating the so-called “meaning” and “significance” of the Nazi years in the shadow of the highly public legal tribunals that had directed their focus on this specific generation of Germans. Galvanizing various competing perspectives regarding the symbolic “German guilt” that was a daily matter of political and journalistic concern, these men and women set about engaging in a belated and impassioned struggle for control over the Nazi regime’s legacy, symbols, and its appropriate forms of public commemoration. In weaving together the individual and competing “lessons” provoked by the Nuremberg judgments into the storytelling fabric of a nation-in-transition, these writers appealed to an anxious population who was quickly readying itself to confront the full set of weighty issues linking the questions of aesthetic representation to issues of politics, history and public memory construction. Beginning in the late 1950s and early 1960s, the Group 47 writers and their contemporaries began to challenge the silence and apprehension of the post-Nuremberg era, and helped prepare the cultural landscape for what would soon become a nation’s rigorous and inescapable confrontation with its horrific past. As Mary Nolan writes:

If this [interregnum] created a relatively quiet 1950's for West Germany, the past came back to haunt that country with a vengeance thereafter. There was the Adolf Eichmann trial and the Frankfurt Auschwitz trials in the 1960s, the television documentary *Holocaust* in the 1970s, the so-called historians debate of the 1980s, the 1990s controversies around Daniel Goldhagen's *Hitler's Willing Executioners* and the photo exhibition 'War of Annihilation' about the Wehrmacht on the Eastern Front, and the current debate about Germans as victims of the Allied air war. Each trial and public debate aired more aspects of the crimes of the Third Reich, each uncovered more about the voices and fates of victims, each revealed more about how implicated bystanders and beneficiaries were. (Nolan 153)

As each of the successive Nuremberg trials unfolded, the so-called "facts" according to which the past was to be historicized became increasingly solidified into the collective consciousness of the German people, and was borne out in the novels, plays, and films of the *Trümmerliteratur* (and *Trümmerfilm*) generation. Taking up what Robert Shandley calls the "Seven R's" that define the "Rubble genre" – redemption, reconciliation, redefinition, re-stabilization, reintegration, re-construction, and re-privatization (Shandley 150) – this young generation of writers and filmmakers exemplified the extent to which the absorption of the Nuremberg question of a symbolic "collective guilt" wove itself into the cultural storytelling process during Germany's postwar transitional period.

The Absorption of “Collective Guilt” into the Cultural Storytelling Process:

While the 1950s were weighed down by what W.G. Sebald calls the silence in postwar German writing, the Sixties were instead constituted by a multitude of works that would mark “powerful intervention[s] in German historiography, or more precisely into the sense of history and the construction of the past in which Germans... still lived” (Jameson vii). In search of a new vision of its own past and the reconstruction of collective identity, this period is marked by what Fredric Jameson calls, a “feverish preoccupation with historical memory (and also autobiography), with mourning and melancholia, and finally with the Holocaust itself” (Jameson ix).

Whereas much of the silence and apprehension of the earlier decades was at least partly rooted in a feeling of resentment from having the question of collective guilt “imposed” on them by their foreign victors, the 1960s saw a number of ancillary trials that were conducted *by* Germans themselves, in which the charge of widespread complicity was raised from within. The most prominent of these were the so-called Frankfurt “Auschwitz” Trials, which took place between 1963 and 1965. The longest trial in German history, the Frankfurt tribunals saw twenty-two former guards and officers from the Auschwitz-Birkenau extermination camp charged for their roles in the Holocaust under domestic German law – as opposed to international “crimes against humanity” laws.

Whereas the Nuremberg trials had initially raised the question of a symbolic collective guilt through the rhetoric of the foreign Allied prosecutors, and the Eichmann Trial had insinuated at the possibility of a nation of “little Eichmanns” from abroad in Israel, the Frankfurt trials differed from these insofar as they triggered the emergence of a truly self-reflective examination of the issue of widespread complicity in the Holocaust *by Germans*, under German law. In highlighting the fact that “many [defendants] had successfully

reintegrated themselves into postwar West German society – even living openly under their real names,” Scott Allen Windham notes that it was the Auschwitz trials that finally forced ordinary Germans to publicly acknowledge that Nazi collaborators and sympathizers “came from various economic, social, and political backgrounds, representing multiple strata of German society” (Windham xxxii). For the first time, the German people were compelled to address these questions on their own terms.

Insofar as the Frankfurt tribunals built upon and substantiated the themes of “guilt” and “representation” first raised at Nuremberg, a number of authors, filmmakers, and playwrights accordingly turned to the evocative backdrop of the courtroom-setting to interrogate the nation’s increasingly unreserved propensity to reflect on their own collective moral negligence under Nazi rule.

Incorporating elements of the emerging genre of the “courtroom-drama,” a new body of works across various media centered on a specific form of dramatic tension produced through riveting monologues framed as “oral arguments” and featuring the archetypal “tortured soul” who is intimidated into a dramatic confession by a charismatic prosecutor. Building upon the recent popularity of American and British documentary realism, Harper Lee’s *To Kill a Mockingbird* (1960), Arthur Miller’s *The Crucible* (1953), Agatha Christie’s *Witness for the Prosecution* (1953), and Truman Capote’s *In Cold Blood* (1966), several authors and filmmakers took up this genre as a way of reconceiving the Nazi Crimes Tribunals within the morally and politically contentious landscape of transitional Germany, across a multitude of mediums. From Heinrich Böll’s novel *Group Portrait With A Lady* (1971), Hannah Arendt’s study *Eichmann in Jerusalem* (1963), Peter Weiss’ play *The Investigation* (1965), Bertolt Brecht’s opera *The Trial of Lucullus* (1951), and Wolfgang Staudt’s film *The Murderers Are Among Us* (1946), these works met the question concerning “collective guilt”

head-on in a self-reflective attempt to begin the painful process of re-negotiating the past.

Commenting on several of these works, Windham writes:

In each case, the defendants are portrayed as representatives of a guilty German public, symbols of widespread complicity, silence, and tacit approval in the face of Nazi crimes. Produced in an era of documentary realism in the arts, each of these works relies on the authority of the legal system and of historical fact to legitimize this conclusion: these works usurp the authority of the trials they depict, presenting themselves as proxies for the trial that *should* have taken place. (Windham xxxvi)

By taking up the supposed legal and moral authority of the various trials as a literary leitmotif, each of these works aimed to equate the trial of Nazi defendants with the wider German public who, if only within a literary or filmic sphere, could at last face the judgment that their authors deemed to be truly warranted.

Heinrich Böll's celebrated 1971 novel, *Group Portrait With A Lady* – which the Swedish Academy singled out in their press release for his 1972 Nobel Prize as his “magnum opus... which so far crowns his work” (“The Nobel Prize”) – is perhaps one of the most distinctive examples of this type of literary “reclaiming” of the question of German guilt via the “courtroom” genre. A parody of the documentary form, the novel is presented under the pretense of being a genuine portrait of a fictional woman, Leni (the lady of the title), produced via a meticulous inventory of “testimony” from witnesses (who make up the “group portrait”) who had encountered her throughout the Nazi years. Böll goes to painstaking lengths to create the pretense that *Group Portrait* is, in fact, *not* a novel, but rather an authentic documentary account of Leni's life, which, in many ways, mimics the very style

and form of the *Final Report on the Nuernberg War Crimes Trials* in its dry, indexical recording of “testimony” and “evidence.”

Incorporating a key element of many post-Nuremberg novels – including Johannes Mario Simmel’s *Ich Gestehe Alles (I Confess)* (1953), Ilse Aichinger’s *Die größere Hoffnung (The Greater Hope)* (1948), and Hans Werner Richter’s *Sie fielen aus Gottes Hand (They Fell From God’s Hand)* (1951) – Böll radically breaks from the broad idealism and Classicist aesthetics of the Weimar era writers by eschewing any type of flowery appeal to universal emotional sentiments in favour of a tedious (perhaps even mundane), detail-oriented satire of the documentary form. In stark contrast to the seemingly overwrought affectations of the Weimar novelists (whose employment of neo-Romanticist aesthetics has been historically linked to the rise of German nationalism²⁹), Böll undercuts any sentimental or melodramatic pretense, opting instead for a cold and stodgy chronicling of the collected “facts” about Leni’s life. As Mark Story notes, in Böll’s novel “the emotional turmoil of Germans living through and after the war is offset by the dry, laconic stand taken by the [narrator], where emotions tend to be recorded in a deadened shorthand: T, W, L, and B stand, respectively, for Tears, Weeping, Laughter, and Beatitude, and we are referred to encyclopedia definitions of these terms...” (Storey 16).

Taking up the role of an impartial investigator who interviews other characters in his search for the “truth” about Leni, Böll inserts himself – referred to self-deprecatingly as “the Au.” (the Author) – as one of the protagonists of the novel. “The Au.” becomes the instrument through which the various “witnesses” and “informants” are introduced, one after the other, recording even the most innocuous incidents in the hope that they might prove valuable in the ostensible investigation, while he (and the readers) painstakingly attempt to distinguish between fact and rumour.

While “the Au.” investigates Leni’s mercurial past, he encounters Sister Rahel (“Rachel”) Maria Ginzburg, a Jewish nun who has apparently “disgraced” her order, owing to her Jewish ancestry and her so-called “notorious” sexual reputation prior to joining the convent. As “the Au.” states, she “had not – to put it mildly – lived an entirely platonic life” (*Group Portrait* 365). Rahel, the lone Jewish character in the novel, converted from Judaism to Catholicism in 1922, the same year that Hitler was appointed chairman of the National Socialist Party after gaining notoriety for his infamous beer hall speeches against German Jews. Removed from the classroom for fear that she might “contaminate” her young students, Rahel is reduced to the humiliating role of examining the female pupils’ stool each morning, where she develops a close relationship to a young Leni. As Leni’s mentor, and the model for all that is morally “right” in the novel, Rahel serves as a continual reminder to Böll’s readers of the abhorrent anti-Semitic prejudices and abuses of German Jews by their parents’ generation.

Together, Rahel and “the Au” carry out a meticulous investigation into Leni’s past in a manner reminiscent of the Allied prosecution’s approach at the war crimes tribunals, even appropriating verbatim testimony from the Nuremberg IMT tribunal and reimagining it as though the defendants were testifying directly to “the Au.” Presented as if they are the recorded entries in a methodical investigative report, “the Au.’s” collected accounts of Leni are presented in a style that parodies the conventional prudence of courtroom rhetoric. As he “collects” his various reports on Leni’s past, the narrator constantly equivocates and hedges his statements – “At this stage we can do no more than indicate something which, in the course of this account may be eventually proved...” (*Group Portrait* 37) – parodying the type of cautious rhetorical “tiptoeing” of the American prosecutors at the Nuremberg trials that was meant to demonstrate a certain pretense of judicial objectivity. Nothing is said of

Leni that is not substantiated by a “witness,” and we are always told exactly who it is that provided the evidence, no matter how inconsequential it may seem.

Imbued with a surfeit of excerpts from actual historical documents of Nazi bureaucracy – including a Nazi military service manual from 1939 and transcripts of defendant’s testimony from the first Nuremberg trial – Böll’s *Group Portrait* doubles down on the post-Nuremberg approach to re-appropriating the War Crimes Tribunals in a reimagined literary context. By expropriating the actual testimony of several Nuremberg defendants (most notably Albert Speer), Böll re-contextualizes the remarks made by former Nazi officials – intermixing them with other unrelated probes made by lawyers from both the prosecution and defense – in order to fabricate the courtroom dialogue that he envisaged; thus, reframing justice in a way that probes the question of German guilt from an explicitly German perspective (for instance, the reimagined dialogue between Albert Speer and Dr. Fläschner on pages 290-291).

In Böll’s literary reimagining, the Nuremberg defendant’s ludicrous attempts to justify and rationalize their actions are mirrored in the statements made by so-called “ordinary” Germans – including soldiers, academics, musicians, members of the Church, and “anonymous exalted personages.” The Au’s interactions with everyday Germans are framed as though each character is under investigation; descriptions of prosaic activities are logged as “evidence” – including Mrs. Pfeiffer’s possession of “a bottle of the finest sherry” (133) – and simple dialogue is described as a character’s “testimony” (72) or, upon saying goodbye, is marked as their “concluding remarks” (133). In Böll’s rendering – with the exception of Rahel – all characters are seemingly corrupt and their “testimony” is almost always suspicious. Together, the various fragments of testimony that the Au. gathers throughout the course of his investigation come together as the “building blocks of history” to construct a

“group portrait” (albeit, one that reads more like a “report”) of the German people during the Nazi years, as though it were the entire nation that were on trial, while Böll and his readers sit in judgment.

In a similar way, Peter Weiss’ play *The Investigation: Oratorio in 11 Cantos* (1965), which explicitly reproduces the Frankfurt Auschwitz Trials, also features dialogue and witness statements taken verbatim from the trial, of which Weiss was an observer. Premiering two months after the German court handed down its convictions, Weiss’ play foregrounds certain continuities between the common arguments made by Nazi defendants (of complicity out of fear of retribution from SS forces) and the prevailing views of the West German public – highlighting the complicated reception by the German public to the accusations and convictions handed down by both the foreign and domestic courts.

The Investigation is set in the courtroom at the Frankfurt Auschwitz Trials, but Weiss did not intend the play to serve as an actual reconstruction of the tribunals. Instead, the play was meant to emphasize the disparity between the testimony of the victims and the vacuous alibis of the defendants. As he states in the “Author’s Notes” for the play: “no attempt should be made to reconstruct the courtroom before which the proceedings of the camp trial took place. Any such reconstruction would, in the opinion of the author, be as impossible as trying to present the camp itself on stage.” (*The Investigation* 118.)

Mirroring Dante’s *Divine Comedy*, the play is divided into eleven “cantos,” each of which is subdivided into three parts – 33 in total – meant to depict the progression of the victims from their arrival at Auschwitz to their unspeakable collective fate in the gas chambers. Throughout this “progression,” Weiss avoids any semblance of dramatic embellishment, focusing instead only on the spoken testimony, which was taken verbatim from the trial. Unlike at the historical trial, Weiss’ play reduces the number of defendants

from twenty-two to eighteen, while the statements of several hundred witnesses are condensed in the play to only nine. Two of the witnesses in Weiss's adaptation portray former Auschwitz officers (although the camp, as well as the Holocaust, are never explicitly named) but side with the defendants on moral grounds, while the others are victims who – through an unlikely series of coincidences (as they repeatedly emphasize) – survived the camp. The victims' testimonies, which make up the bulk of the dialogue in the play, are numbing in their endlessly detailed inventory of the atrocities committed at the concentration camp, while the perpetrators counter with derisive denials and clichéd rejections of their individual guilt. As Weiss notes, based on his own experience as an observer at the Frankfurt Trials:

Hundreds of witnesses appeared before the court. The confrontations between witnesses and defendants, as well as the address to the court by the prosecution and the replies by the counsel for the defense, were overcharged with emotion. Only a condensation of the evidence can remain on stage. This condensation should contain nothing but facts. Personal experience and confrontations must give way to anonymity. Inasmuch as the witnesses in the play lose their names, they become mere anonymous voices. The nine witnesses sum up what hundreds expressed [...] Each of the 18 defendants, on the other hand, represents a single and distinct figure. They bear names taken from the record of the actual trial. The fact that they bear their own names is significant, since they also did so during the time of the events under consideration, while the prisoners had lost their names. Yet the bearers of these names should not be accused once again in this drama. To the author, they have merely lent their names, which here stand as symbols of a

system that implicated in its guilt many others who never appeared in court.
(*The Investigation* 118-119)

In this way, Weiss reimagines his play as the judicial stage upon which countless German collaborators and apologists would be judged, by proxy. In reorganizing and re-contextualizing the fragments of testimony from the historical trial, Weiss – like Böll – is able to reframe the tribunal as one that explicitly links the defendants to a guilty Germany by highlighting the complicity, silence, and tacit approval that permeated their testimony. Weiss opens up space for an evocative public discussion concerning the actual degree to which “ordinary Germans” had room for individual action and responsibility, even under the most severe circumstances, by using the legal system and historical facts to undercut the actual historical tribunals and reconceive them as putting the entire nation on trial. Weiss’ play challenges many of the preconceived justifications that arose out of the resentment and indignation triggered by the initial Nuremberg tribunals by challenging the conventional defense that thousands of citizens were forced into conformity out of fear of retribution from SS forces. Undercutting the notion that the Allied victors could possibly have pronounced any type of judgment that was commensurate with the horrors of the Holocaust, the play ends before the verdicts are announced, leaving the German audience to take up the responsibility of judging for (and amongst) themselves how to adequately confront their collective roles in the Nazi crimes.

Immediately following the premiere of Weiss’ play in 1965, fellow German playwright Martin Walser published a scathing review of the media portrayal of the Frankfurt Auschwitz Trials, titled “Unser Auschwitz” (“Our Auschwitz”). In his essay, Walser condemns the media portrayal of defendants as “devils,” “executioners,” and “predators,”

and, unlike the American prosecutors, categorically exculpates the general German public by representing Nazi officials as wholly Other. “We [West Germans] have nothing to do with these events, with these horrors – we know this for a fact,” Walser writes. “These acts of brutality can’t be shared. This trial isn’t about us. It’s not for nothing that the accused are called ‘devils’ and ‘executioners’ and ‘beasts of prey’ in the news reports. After all, who among us is a devil, an executioner, a beast of prey?” (*The Burden* 7-8). However, as Windham suggests, precisely what makes Walser “uncomfortable is the truth that the defendants were, in fact, remarkably *like* other Germans, even ‘interchangeably similar’” (Windham xxxii).

Thus, the anxiety at the heart of both Böll’s and Weiss’ literary re-imaginings of the Nazi war crimes trials, as well as Walser’s review, is that the Holocaust had, in fact, been carried out by average Germans and that, in the wake of the initial American judgment, it was now time to address this tension on their own terms.

While the various Nazi crimes tribunals triggered a wave of new moral introspection amongst a wide range of German authors and filmmakers, they also served as the impetus for other writers and artists to reconsider their past attempts to negotiate the trauma of the Nazi years. Bertolt Brecht’s 1939 poem, “*An die Nachgeborenen*” (“To Those Who Follow in Our Wake”) – written at the height of Nazi sympathy in Germany, and at the outbreak of the war – appeals to posterity to consider the terrible circumstances in which they lived, before condemning his entire generation. This poem, addressed to subsequent generations, implores future Germans to consider the complicated perils of his time, and to take heed before denouncing all of Germany.

You, who shall resurface following the flood

In which we have perished,

Contemplate –
When you speak of our weaknesses,
Also the dark time
That you have escaped.
But you, when at last the time comes
That man can aid his fellow man,
Should think upon us
With leniency.
(Brecht, 722)

The apprehensive tone with which Brecht, in 1939, implores future Germans to look upon his generation “with leniency” can be read in direct contrast to the more searing nature of his later re-staging (with composer Paul Dessau) of *The Trial of Lucullus* (1951),³⁰ which, like Böll and Weiss, takes up the “courtroom” leitmotif as a means of confronting the past. Originally written by Brecht as a short radio play in 1940, it was reworked as an opera with music by Dessau directly following the conclusion of the Nuremberg Trials. In a way, Brecht’s 1951 re-staging of his earlier work might be regarded as his own attempt to appeal to the generation that he had called, in his 1939 poem, the *Nachgeborenen*.

Like Weiss and Böll, Brecht’s reimagining of the Nazi war crimes trials served to reconstitute the judgment and sentence of the trials beyond the moral framework of the Allied prosecution at Nuremberg. Composed and received very much in the shadow of the IMT, the play’s abhorrence of dictatorship could hardly be stronger. In Brecht’s metonymic adaptation of the trial of Roman dictator Lucullus, various witnesses establish “beyond a reasonable doubt” that his sole humanitarian achievement, the introducing of the cherry tree

to Rome, hardly reconciles the loss of 80,000 lives under his savagery. He must, instead, be consigned to eternal nothingness, as the plebeian jury gains its justice. In this reimagined literary context, the play's chorus – standing in for the entire German nation – is granted a symbolic do-over; the chance to perform a collective, unequivocal renunciation of Hitler's Nazi regime, via the proxy Lucullus, which they had failed to do in the historical moment. As a parabolic gesture of their newly awakened ethical maturity, the second-chance repudiation afforded by Brecht's and Desau's opera is furthermore reimagined as coming from the hearts of the German people, of their own accord, as opposed to being publicly dragooned into penitence by their foreign occupiers.

THE FISHWIFE:

Yes, to Nothingness!

THE TEACHER:

Yes, to nothingness!

THE BAKER

Yes, to nothingness!

THE SPEAKER:

And they look at the farmer

The praiser of the cherry tree.

What say you, farmer? (Silence)

THE FARMER:

Yes, to nothingness!

ALL:

Yes, to nothingness With him and all his kind!

("The Trial of Lucullus" 129)

Whereas Brecht's dramatic re-conception of the Nuremberg trials centres on an imaginary sense of satisfaction garnered from the fictional judgment of Nazi officials by a jury of German citizens – as an entirely German act of redress – Stanley Kramer's film *Judgment at Nuremberg* (1961), instead, perpetuated the initial anxieties and resentments that arose in response to the overseeing of the tribunals by Allied victors. In Kramer's acclaimed adaptation of the "greatest trial in history," the American ascendancy over the tribunals is actually exaggerated for its Hollywood audience, reigniting the charges of collective complicity from their foreign victors.

Nominated for eleven Academy Awards, including Best Picture, Best Director, twice for Best Actor (Maximilian Schell and Spencer Tracy), and both Best Supporting Actor (Montgomery Clift) and Actress (Judy Garland), the film was a major success both in the United States and internationally. Controversially, however, Kramer had decided to premiere *Judgment at Nuremberg* in Berlin, rather than in the U.S., on December 14, 1961 – just one day before Adolf Eichmann was to be sentenced in Israel – and asked his entire star-studded cast to be present (all but Burt Lancaster attending). At a time when tensions were particularly high about the perceived image of Germans around the world – especially in the United States, where the Eichmann trial was widely broadcast – the premiere of Kramer's highly anticipated film threatened to undermine any perceived progress on the "Guilt Question" following a decade of burdensome public debate and inner-reflection.

Centering on the question of German complicity and widespread guilt, the film was widely regarded within West Germany as perpetuating the condescending, patronizing, and derisive American attitudes that had lingered in the hearts of Germans since the conclusion of the initial IMT, and was lambasted for its seemingly un-nuanced, anti-German rhetoric.

Many German officials worried that the film had “whitewashed” the complexities of the symbolic guilt that Germans had painstakingly grappled with for decades and were fearful that “*Judgment at Nuremberg* could potentially threaten years of careful [self-reflective] work” in this regard (Etheridge 162). As Brian C. Etheridge notes, many Germans considered *Judgment at Nuremberg* to be “part of what they increasingly referred to as an *antideutsche well*, or anti-German wave, in the American mass media” (162). In this way, “the film about the Nuremberg trials threatened to resurrect old war narratives of the German people that painted them as arrogant, servile, crude, and ultimately unrepentant for their crimes” (Etheridge 162). In an exhaustive survey of how *Judgment at Nuremberg* registered in West German film reviews, Robert G. Moeller notes the general condemnatory tone that most critics took:

Kramer’s didacticism became tiresome, his zeal at addressing such a broad range of problems left him unable to resolve any of them, and his three-hour plus attempt to ‘master the past’ ended up mastering very little. Most of what Kramer and Mann had to offer, critics implied, West Germans already knew and in fact knew better than these interlocutors from the other side of the Atlantic. (Moeller 508)

While many West German writers, such as Böll and Weiss, personified the more cautious and nuanced style of negotiating the “Guilt Question” that had gradually developed throughout the 1950s, Kramer’s film threatened to undo much of this work by perpetuating a crude and unsophisticated American caricature of the Nuremberg defendants as representative of an entire guilty nation.

Seeking to undercut these charges, West-Berlin Mayor, Willy Brandt, stated at the premiere of the film:

We cannot deny the fact, and we do not want to deny it, that the roots of the present position of our people, our country, and our city lie in this fact: that we did not prevent right from being trampled underfoot during the time of the Nazi power [...] It will probably be difficult for us to watch and hear this film. But we will not shut our eyes to it. I hope that world-wide discussion will be aroused by both this film and this city, and that this will contribute to the strengthening of right and justice. (Starr 236)

Despite Brandt's efforts, the West Berlin premiere of the film was met with a "stunned silence," followed by applause, but only from the non-German press (Nixon). As Kramer later noted, "The film was totally rejected: it never did three cents' business in Germany. It played so many empty houses, it just stopped. People asked how could I, an American, try to rekindle German guilt? Well, I said that it would indeed have been better if the Germans had made it, but the fact is they didn't. So I did" (Von Tunselmann, "Poetic Justice for Holocaust perpetrators").

The problem, however, was that – as Böll, Weiss, and many others had already demonstrated – many German writers and filmmakers *had*, in fact, been actively engaged in this exact type of endeavour. Alongside the *Trümmerliteratur* genre – which Böll, Grass, and others had exemplified – this period of German cultural expression also gave rise to the corresponding *Trümmerfilm* movement ("Rubble film"). Most notable, perhaps, was Wolfgang Staudte's acclaimed 1946 film, "Die Mörder sind unter uns" (*The Murderers Are Among Us*).

Confronting the same underlying theme of Kramer's film – that the perpetrators of Nazi crimes were not only to be found amongst the elite of Nazi society, but that they had been more or less absorbed into all strata of postwar society – *The Murderers Are Among Us* probed the legacies of guilt and trauma amongst ordinary Germans, from within the sophisticated self-reflective viewpoint of the generation who had come of age within the Third Reich.

Juxtaposing the war crimes tribunals with an idealistic fantasy of vigilante justice – a theme that several cinematic and literary works following the Argentine and Canadian truth commissions would also address, such as Ariel Dorfman's play *Death and the Maiden* (1990) and Jeff Barnaby's film *Rhymes for Young Ghouls* (2013) – *The Murderers Are Among Us* fully encapsulated the American "Guilt Question" narrative, reflecting back the Nuremberg precept that "decent" everyday Germans ought to root out former Nazi sympathizers for the sake of German democratic progress.³¹

As Dori Laub notes:

The film opens with a slogan that it ostensibly contradicts: "Never forget, guilty are they." This slogan implies that the arch-criminals, the defendants at the Nuremberg trials, are the ones to blame. The contradiction in the movie is that "they" are not the only ones, as its title suggests. What the film does... is to enlarge the circle of guilt [...] It is only a matter of searching more thoroughly for the hidden, disguised murderers; once cleansed, Germany will be whole again. (Laub70)

The film tells the story of Hans, a former military surgeon who returns home to Berlin after the war to find his home (and many others) in ruins, and suffering from

excruciating memories of his wartime experiences. After descending into alcoholism, Hans reunites with his former concentration camp captain, Ferdinand Brückner, who has now reintegrated himself into postwar society as a successful businessman – fashioning old military helmets into flowerpots. After recognizing that Brückner is unrepentant for the murder of over a hundred Polish civilians on Christmas Eve of 1942 in a small village on the Eastern Front, Hans – nauseated by Brückner’s arrogance and unabashed remorselessness – plots to kill him in order to bring a sense of “retributive justice” to both Brückner’s victims and for the countless German soldiers who were coerced into committing and witnessing similar egregious acts. At the last minute, Susanne Wallner, a Jewish concentration camp survivor, intercedes and persuades Hans to reconsider, and instead the two decide to have Brückner put on trial for war crimes. In illustrating both the mercurial sense of guilt and the pathological inclination to address a certain shared responsibility and victimhood that many postwar Germans had experienced, Hans ultimately relinquishes his desire for personal revenge in favour of a particular type of legal justice that the new generation of German writers and filmmakers had imagined.

Underlining the intricate and ambiguous nature of the perpetrator figure, Hans’s actions underscore that, by originally casting himself as both judge and executioner, he runs the risk of becoming a perpetrator, himself. In this way, Staudte’s film probes the controversial manner in which the Allied prosecutors at Nuremberg had also become perpetrators, themselves, by passing lethal judgment on their German counterparts in a way that Kramer’s film failed to acknowledge.

Whereas many German critics and reporters loudly condemned Kramer for stirring up the ghosts of the past and for fuelling hatred against their country, Staudte’s film was

generally well-received for its more nuanced and delicate analysis of collective responsibility and the search for “justice” in transitional Germany.

Serving as an important marker in the ongoing conflict over the nature of collective German memory and the meaning of symbolic guilt, *The Murderers Are Among Us* marked one of the first genuine post-Nuremberg aesthetic interventions to open up a discursive space within which so-called “everyday Germans” could self-reflect on the “Guilt Question.” Reflecting on the film, German-Bulgarian director, Angel Wagenstein, noted, “For me [Staudte] was the first ambassador, who through his film renewed our faith in a nation capable of self-reflection, of looking into the mirror and acknowledging its own guilt, of making a confession that very few nations would be able to make” (Brockman 209).

The lasting significance of Staudte’s film was its ability to capture the particular set of moral anxieties that truly defined the post-Nuremberg period in German history – perhaps more clearly, even, than Weiss’s play, Grass’s novel, or Brecht’s opera. Hans’ moral dilemma was, in many ways, Germany’s collective dilemma, as the entire nation’s shared reservations regarding the capacity for the law to adequately address the complex constellation of socio-ethical anxieties that arose from the shadow of the Third Reich, and whether any type of “legal justice” could possibly amount to the political and cultural resolution to their Nazi past that many Germans had imagined.

Of course, the work that confronted these anxieties most directly was Hannah Arendt’s renowned 1963 study, *Eichmann in Jerusalem: A Report on the Banality of Evil*. A comprehensive report on the war crimes trial of infamous SS lieutenant-colonel Adolph Eichmann, Arendt’s work blurred the lines between literary non-fiction, philosophical treatise, and political tract. Published eighteen years after her foundational examination of the question of “collective symbolic guilt” during the initial Nuremberg trial, Arendt’s study

of the Eichmann trial addresses many of the same themes, although this time modelling itself along the lines of what would later become known as “literary-journalistic” courtroom dramas, such as Capote’s *In Cold Blood*.

In her “report,” Arendt addresses three main issues: firstly, the arrest of Eichmann by Mossad agents in Argentina and his subsequent trial in Jerusalem, paying close attention to Eichmann’s courtroom behaviour, as well as that of Chief Prosecutor Gideon Hausner; secondly, the forced complicity of the Jewish Councils (*Judenrate*) established by SS forces in occupied territories, in which certain “selected” members of Jewish ghettos were coerced into regulating the conduct of Jewish populations, and eventually, in organizing and mobilizing the deportation of Jews to their ultimate fate at the European extermination camps; and finally, the question concerning the widespread complicity of what she calls “ordinary Germans” during the Nazi regime and the Holocaust. According to Seyla Benhabib:

Eichmann becomes for [Arendt] a paradigm case for analyzing how neither particularly evil nor particularly smart people could get caught in the machinery of evil and commit the deeds they did. It is the coming together of these narratives with her philosophical thesis concerning the ‘banality of evil’ that baffled her readers [...] it seemed as if Arendt was accusing her own people and their leaders of being complicitous in the Holocaust while exculpating Eichmann and other Germans through naming their deeds ‘banal’. (Benhabib 36-37)

However, whereas many readers initially interpreted Arendt’s coining of the term “the banality of evil” in this way – as inferring a direct correlation between the calculated

horrors devised and carried out by Nazi officials (such as Eichmann) and the German public who had seemingly yielded to a tacit consent of the Nazi crimes – Shoshana Felman, instead, suggests that the “banality of evil,” in fact refers *not* to a psychological condition, but rather, to a legal and political one (*The Juridical Unconscious* 107-108). Felman writes:

In describing Eichmann’s ...all-too-credible self-justification by the total absence of motive for the mass murder that he passionately carried out (*mens rea*), Arendt’s question is not, ‘How can evil (Eichmann) be so banal?’ but, ‘How can the banality of evil be addressed in legal terms and by legal means?’ On what new legal grounds can the law mete out the utmost punishment precisely to banality or to the lack of *mens rea*? (*The Juridical Unconscious* 108)

In other words, Arendt’s primary concern in *Eichmann in Jerusalem* is in fact the degree to which the law is – if at all – an adequate vehicle from which to reconcile the deep-rooted anxieties surrounding the German public’s self-perceived collective behaviour under the brutality of the Nazi machine. In other words, Arendt’s main concern is whether, as Felman notes, “evil is linguistically and legally banal [...] Arendt asks, can the law become an anchor and a guarantee, a guardian of humanity? [...] When language itself becomes subsumed by the banality of evil, *how can the law keep meaning to the word ‘humanity?’*” (108). In the wake of an exhaustingly repetitive (and seemingly redundant) torrent of Nazi war crimes trials, Arendt is in fact probing how a crime that is regarded as being entirely “unprecedented” in modern history could possibly be tried and judged within a judicial paradigm that is grounded in “a discipline of precedents?”

After all, before the Eichmann trial, the public had already been subjected to a numbing torrent of preceding trials, including: the initial IMT (1945-1946), the Dachau

trials (1945-1947), the Doctors' Trial (1946-1947), the Milch Trial (1947), the Flossenbürg Trial (1946-1947), the Judges' Trial (1947), the Pohl Trial (1947), the Flick Trial (1947), the IG Farben Trial (1947-1948), the Hostages Trial (1947-1948), the RuSHA Trial (1947-1948), the Einsatzgruppen Trial (1947-1948), the Krupp Trial (1947-1948), the High Command Trial (1947-1948), and the "Ministries" Trial (1948-1949), and were on the verge of the highly publicized Frankfurt Auschwitz Trials (1963-1965) and the Sobibór trial (1965-1966).³² Within this deadening stream of war crimes trials, Arendt's study reawakened question of whether the legal system, itself, was an adequate forum for exploring the ethical intricacies of such an unprecedented horror, or if, instead, this was an issue for which the German must grapple with in a collective, yet deeply intimate, way.

In the wake of the pandemonium evoked by the Eichmann trial, Daniel Goldhagen's seminal book *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (1996) awoke what was perhaps the most uneasy negotiation of German "collective guilt." Suggesting that a deep-rooted anti-Semitism had not only permeated German society for centuries, but that this xenophobia was a fundamental characteristic of German identity, Goldhagen's book alleged that all Hitler and the Nazi regime did was to simply let loose the deeply rooted murderous sentiments that had been seething within the German people since at least the mid sixteenth-Century, if not earlier. In this sense, Goldhagen's book explicitly played into the "German guilt" framework by candidly condemning German society *on the whole* for fostering the seeds that made the emergence of the Nazi party ideology possible in the first place. Despite being widely criticized initially by the German press, Goldhagen's book quickly became a bestseller among ordinary Germans, selling eighty-thousand copies in the first week and over three-thousand copies a week during his initial publicity tour (Grossmann 115), sparking an explicit national discussion on a topic which had, until that

point, been largely considered an unspoken taboo. Goldhagen's book went on to win the prestigious Democracy Prize of the *Journal for German and International Politics* (Germany's largest political periodical) and was eventually praised by many German media outlets for, after decades of reticent discomfiture, launching a passionate national discussion about the Holocaust and German collective guilt ("Holocaust Writer in Storm").

Thus, the self-reflexive debates about *Vergangenheitsbewältigung* – a portmanteau of *vergangenheit* ("the past") and *bewältigung* ("to come to terms with") – had at long last reached its cultural zenith, nearly fifty years after the Allied victors had so unabashedly browbeaten the general public with overt and damning assertions of collective guilt. In the wake of this initial period of latency following the emergence of the "collective guilt question" during the Nuremberg trials, many prominent German writers and filmmakers had ultimately come to engage with these issues on what they believed to be, "their own terms" – although the impetus to do so had been fervently sown by their foreign occupiers decades prior.

Chapter 1 Notes

¹ The term “Cultural Imaginary” refers here to Majid Yar’s notion of the nation as an Anderson-esque *imagined community*, whose culture and sense of collectiveness is “given concrete form ... in the discourse of the arts, literature, film, journalism, and so on” (Yar 2-3). In other words, the “Cultural Imaginary” refers to the sense of nationhood that is constructed through the narratives, myths of origin, symbols, rituals, and collective memories of the people who see themselves as part of that group.

² For example, the final report on the Nuremberg trials is instilled with the “spirit” of post-war democratic values, which distinguishes its present moment from the former national trauma of Nazism. In this sense, the report is not only history-making, but it also signals the ideological and ethical “transition” from the traumatic past to an ideal future vision of a rehabilitated and revitalized Germany.

³ While matters of impartiality and objectivity often deter the historian away from rendering explicit moral pronouncements on past events, the Holocaust presented a singular difficulty for many Western historians. Surely, it would seem inhumane to describe such events in morally neutral terms, yet to moralize history is to deem the interpreter of history, as Tzvetan Todorov puts it, the “custodian of moral values” (“The Morality of the Historian” 11). This, of course, is precisely the role that the Allied prosecutors envisioned for themselves; a sort of hybrid legal-historical authority. Yet, even in such consequential

judicial matters, most judges and prosecutors – following the precedent set by Lord Acton in 1905 (see Oliver Richardson, “Lord Acton...”) – assume that any moral judgments ought to be delivered as *obiter dicta* (Latin for “by the way,” a remark in a ruling that is “said in passing”). *The Final Report on the Nuernberg Trials* held to neither of these conventions, opting instead to make what we might call, the “moralizing of German history,” a *priority* in its narrative approach.

⁴ As this chapter will demonstrate, while the question concerning collective German complicity is widely accepted today, at the time of the Nuremberg tribunals it was a scandalous accusation, since a large number of Germans did not perceive themselves as willing accomplices, but instead as *victims* of the Nazi party. It was only after the Americans levelled their charges of “collective guilt” that this dialogue engendered a very public debate amongst the German people (as a sort of internal questioning of their own actions during the war), which was then borne out in the literature, film, and theatre of the time.

⁵ This question was raised explicitly by the Allied prosecutors during several of the Successor Trials as a justification for their particular legal approach. See *The Final Nuernberg Report*, pp.’s 56, 69, 132, 172.

⁶ For a detailed appraisal of the political function of “guilt” in the context of both the Nuremberg Trials and *denazification* programs, see Parkinson, 2015.

⁷ For a succinct survey of how collective guilt motivates a community to act in unison – be it politically, economically, or culturally – see Mark A. Ferguson and Nyla R. Branscombe, “The Social Psychology of Collective Guilt,” in *Collective Emotions*, eds Christian von Scheve and Mikko Salmela. Oxford: Oxford University Press, 2014. Print.

⁸ The most sensational of these displays occurred on November 29, 1945, when American prosecutors exhibited an hour-long documentary film titled, *Nazi Concentration Camps*. Justice Jackson introduced the film in his opening statement: “We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived [...]. Our proof will be disgusting and you will say I have robbed you of your sleep [...]. I am one who received during this war most atrocity tales with suspicion and skepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied” (*Trial of the Major War Criminals Before the International Military Tribunal: Proceedings, 14 November 1945 – 1 October 1946, Volume 2*, p. 130). At the film’s conclusion, when the lights came up in the Palace of Justice, all assembled – including judges, the defendants, their attorneys, and members of the press – sat in stunned silence. The immense visual impact of this evidence was a turning point in the IMT trial and its twelve successor tribunals.

⁹ As Halbwachs explicates, the “social frameworks” of collective memories are external to us, imposed on us from outside, always already conditioning us to recall the past according to their specific predetermined conceptual parameters (see Halbwachs 38).

¹⁰ Although twenty-three defendants were indicted in total, Martin Bormann was tried in absentia, while Robert Ley committed suicide in his prison cell while awaiting trial within weeks of the trial’s commencement.

¹¹ For a detailed analysis of what Kallis calls the “hyperbolic historical fictions” promulgated during the Nazi years via the Reich’s propaganda machine, see: Kallis, Aristotle. *Nazi Propaganda and the Second World War*. London: Palgrave Macmillan, 2005.

¹² As evidenced by Abbey Mann’s highly successful *Judgment at Nuremberg* and several of the media reports produced by American journalists covering the trials, U.S. audiences seem to have been equally influenced by the Nuremberg prosecutors’ invocation of the “Guilt Question” in their own appraisal of the German people’s responsibility for the Nazi crimes. Although this research is expressly concerned with how American and Allied legal, historiographic, and artistic interventionism was received by West German citizens – and how this impacted their own efforts to negotiate their recent past – one might also set about examining how the Trials impacted the collective memories in the U.S., Britain, and beyond. It is, however, important to note that Germans would have certainly been aware that the invocation of the “Guilt Question” was being entertained abroad, and the fear of being regarded as “a nation of Hitlers” presumably had a significant impact on their own internalization of this question. This will be discussed in the section of this chapter concerning the reception of Mann’s film within West Germany.

¹³ Including abbey Mann and Stanley Kramer’s film *Judgment at Nuremberg* (1961), which was nominated for eleven Academy Awards and its 2001 stage adaptation for Broadway, directed by John Tillingier and starring Maximilian Schell and George Grizzard; Yve’s Simoneau’s television miniseries *Nuremberg* (2000), starring Alec Baldwin, Max von Sydow, and Christopher Plummer; William F. Buckley Jr.’s novel *Nuremberg: The Reckoning* (2002); and Len Deighton’s bestselling spy novel *Winter* (1987).

¹⁴ As stated in the *Final Report*, the so-called ‘euthanasia’ program, “involved the systematic and secret execution of the aged, insane, incurably ill, of deformed children and other persons, by gas, lethal injections, and diverse other means in nursing homes, hospitals

and asylums. Such persons were regarded as ‘useless eaters’ and a burden to the German war machine” (164).

¹⁵ See the transcript for Corporal Sy Bernhard’s radio broadcast for AFN (American Forces Network) on November 19, 1945: “There’s another yarn that’s going around this fancy latrine circuit... a story about a bedraggled, broken-down character trying to convince courthouse guards that he should be admitted without one of the blue pass-cards - something, believe me, that just isn’t done. Well, the scuttlebutt has it that this unshaven Heinie started getting brownd off after his pleading did him no good. Then in complete desperation, a familiar ranting began: ‘I demand to get into the trial. I started the whole thing. My name is Hitler’” (Burson, “Pre-Trial Transcript”).

¹⁶ Leading up to the IMT, the Palace of Justice was renovated to include both a visitors’ gallery and a press gallery, and was wired with state-of-the-art recording equipment that also allowed for simultaneous translation.

¹⁷ However, the report did aim to provide a thoroughgoing historical overview of the establishment of the International Military Tribunal and the founding of the legal frameworks that would guide the proceedings for the trial of the twenty-three Nazi officials, including Hermann Goering, Rudolf Hess, and Albert Speer.

¹⁸ See *Ordinance No. 7 (Article X)*, pp. 28-32 in the *Final Report to the Secretary of the Army on the Nuernberg War Crimes Trials*.

¹⁹ This phrase is repeated again on p. 115

²⁰ Here, we see again the linkage made between the crafting of an “official” history and its intended usage for “educational” purposes – as General Taylor outlines in the *Final Report on the Nuremberg Trials*.

²¹ In fact, many former Nazi officials who had co-operated with the US army during the Nuremberg trials would later find employment with the Historical Division. For instance, General Franz Halder, Chief of the Supreme High Command of the German Army from 1938 until 1942, served as a prosecution witness for Telford Taylor in the “High Command Trial” of 1948 (the last of the twelve American trials at Nuremberg). His personal diary, which began in early August 1939 and covered the whole course of the war up to the beginnings of the Stalingrad disaster, was treated as being of prime historic value to the Historical Division, and was used as primary evidence in the High Command Trial. Halder would later take up an advisory role with the Historical Division during the nineteen-fifties, counseling the U.S. Army on the redevelopment of the post-war German army, for which he would ultimately be awarded the *Meritorious Civilian Service Award*, the second highest medal provided to civilian employees by the U.S. military.

²² See: Elliot Neaman’s review of Herf’s thesis on the “Nuremberg interregnum” in *AJS Review* [24.2 (1999): 415–417].

²³ See Taylor’s consideration of the full “circumstances, pressures, and fears which influenced or were alleged to have influenced” the actions of the defendants, and their justification that “they lived in fear of Nazi tyranny and were obliged to comply with government policy” (*Final Report* 109), and the bearing that these considerations had on the Flick and Krupp trials (pp. 109-110).

²⁴ As William Maley (“The Atmospherics of the Nuremberg Trial” 9) and Zachary D. Kaufman (*United States Law and Policy on Transitional Justice: Principles, Politics, and Pragmatics*, 112) each speculate, the acquittal of three defendants: Schacht, Von Papen, and Fritzsche, may have been part of a calculated attempt to present an air of impartiality and authenticity

to the trials for the sake of the German people. In other words, since the trials were coordinated and undertaken by the victorious nations, as a means to charge the defeated nation with laws drafted by themselves and in a tribunal consisting of judges from their own states, the only way to present a veneer of legitimacy was to, perhaps, acquit a small number of low-profile defendants (on the basis of insufficient proof) so as to paint the trials, as a whole, with a brush of objectivity and impartiality.

²⁵ For a detailed survey of how transitional justice processes engage public emotional responses – including resentment and indignation – in the service of the democratization project, see: Mihaela Mihai, “Socializing Negative Emotions: Transitional Criminal Trials in the Service of Democracy.” *Oxford Journal of Legal Studies*, vol. 31, no. 1, 2011, pp. 111–131.

²⁶ For a detailed analysis of how the Nuremberg Trials were received in light of the Versailles Treaty, see: Maguire, Peter. *Law and War: International Law and American History*. New York: Columbia University Press, 2002, pp. 114-140.

²⁷ In fact, much of the “literature of the rubble” that emerged in this immediate postwar period focused on the scarcity of food and the “everyday” difficulties of life in the ruins of the war-torn country. Wolfgang Borchert’s short story “*Das Brot*” (The Bread) and Heinrich Böll’s short story “Stranger, Bear Word to the Spartans...” are each centered around the food-shortage situation.

²⁸ In W.G. Sebald’s “Between the Devil and the Deep Blue Sea” (in *On the Natural History of Destruction*), Sebald accuses Andersch of using his literature to present a more palatable version of his life (particularly his controversial conduct under the Nazi regime) that made it sound more acceptable to a post-Nazi and post-Nuremberg public.

²⁹ For a detailed analysis of the historical link between neo-Romanticist aesthetics and the rise of German nationalism see: Huckvale, David. *Visconti and the German Dream: Romanticism, Wagner and the Nazi Catastrophe in Film*. Jefferson: McFarland, 2012; Richter, Simon J. *The Literature of Weimar Classicism*. Rochester: Camden House, 2005; and Stephenson, Roger H. *Studies in Weimar Classicism: Writing as Symbolic Form*. Bern: Peter Lang Publishing, 2010.

³⁰ The 1951 re-staging of *The Trial of Lucullus* as an opera, following the original radio-play version mentioned earlier on pp. 77-78, took on a much more caustic tone in light of the public accusations of collective complicity during the Nuremberg Trials.

³¹ In fact, the narrative arc of Dorfman's play is strikingly comparable to Staudte's film. In *Death and the Maiden*, Paulina, a young woman living under an unnamed dictatorship (Dorfman, an Argentine, had fled his country during the first junta of the 1970s to neighbouring Chile, where he then suffered under the Pinochet regime), is blindfolded tortured, and repeatedly raped during a prolonged period of interrogation. Years later, after the dictator has been ousted, the woman is happily married – even though her past still haunts her – to Gerardo, the chief prosecutor of the former dictator in the country's truth commission tribunal. One evening, Gerardo brings home a Good Samaritan – who claims to be a respectable doctor – who stopped to help him fix a flat tire. However, when the man enters her home, Paulina recognizes him – remembering his voice, his smell, and the particular idioms he uses in conversation – as the man who tortured and raped her. Holding the doctor at gunpoint and threatening to torture and kill him unless he confesses to her husband, Paulina's vigilante revenge fantasy is contrasted with Gerardo's composed insistence on bringing the man before the war crimes tribunal. When the man ultimately

confesses to being her former torturer and rapists – and that he had in fact enjoyed violating her as he played Schuman’s *Death and the Maiden* quartet – Paulina declares that she has been freed from the burden of her past, and ultimately resolves not to kill him, but to let her husband try him in the courtroom.

³² These would also be followed by the nine subsequent Nazi war crimes trials that would take place between the mid-1980’s and carry on into the early Twenty-first Century (including the infamous trial of Klaus Barbie, the “Butcher of Lyon,” in 1987).

Chapter 2. Nunca Más: Transitional Justice Reports as Explicit Literary Constructions

“I don’t write history. I make it. I can remake it as I please, adjusting, stressing, enriching its meaning and truth” (Augusto Roa Bastos, *I, the Supreme* 194)

If the Nazi war crimes tribunals demonstrated to the world that transitional justice practices were capable of making radical narratological and historiographic interventions into the ways in which a nation “remembered” its traumatic past, then the events that would unfold throughout Argentina in the 1970s and 80s would reveal the utmost extent to which such interventions could drastically reinvent the cultural storytelling process. Whereas the Nuremberg tribunals made narrative interventions into the realm of German collective-memory by widening the sphere of guilt and likening bystander-inaction to the crimes of Nazi criminals, the Argentine *Nunca Más* report would go a step further by demonstrating that recent history could be entirely re-written for explicit political and economic aims, under the aegis of the transitional process. By focusing its energies away from dry, legal explanations of international jurisprudence and instead toward a novelistic *re*-construction of the nation’s recent past, the *Comisión Nacional sobre la Desaparición de Personas* (hereafter referred to as CONADEP, translated as the “National Commission on the Disappearance of Persons”) would demonstrate to the world the full extent to which transitional justice could radically reconfigure how a nation remembered its traumatic past.

Building upon the success of the Nuremberg case, Argentina’s 1985 “Trial of the Juntas” stood to be just the second instance since post-transition Germany in which a national government would formally prosecute its former leaders for atrocities committed against its own citizens.¹ But while the Nuremberg report established the official memory of

the Nazi years according to a “punitive” judicial framework, the Argentine case would instead represent the first instance of a “restorative” transitional justice model.

In 1976, following a violent coup to overthrow the democratically-elected government of President Juan Domingo Péron, a newly established right-wing military junta led by Lieutenant General Jorge Rafael Videla instituted a horrifying campaign of violent repression against tens of thousands of citizens suspected of having political ties to the left-wing branch of the Péronist Party or the communist guerilla organization known as the *Montoneros*. Unfolding within the cruel legacy of the Cold War in the Latin Americas, these brutal measures would come to be known as the *Proceso de Reorganización Nacional* (the “Process of National Reorganization”),² intended to rid Argentine society of what the dictatorship saw as the corrupt and anti-Argentine communist sympathies that were gaining momentum across the region following the Cuban Revolution. Aiming to restore Argentina to what the leaders of the right-wing junta saw as its so-called former glory, the regime initiated a vicious program of forced disappearances, illegal detainments in clandestine concentration camps, and the torture, rape, and murder of thousands of so-called “subversives” (many of whom, it would later be discovered, had no ties to any known radical organizations). Ernesto Sábató, the President of CONADEP and the lead author of its report, *Nunca Más* (“Never Again”), notes in the prologue:

All sectors [of Argentine society] fell into the net: trade union leaders fighting for better wages; youngsters in student unions, journalists who did not support the regime; psychologists and sociologists simply for belonging to suspicious professions; young pacifists, nuns and priests who had taken the teachings of Christ to shanty areas; the friends of these people, too, and the friends of friends, plus others whose names were given out of motives of

personal vengeance, or by the kidnapped under torture. The vast majority of them were innocent not only of any acts of terrorism, but even of belonging to the fighting units of the guerrilla organizations. (*Nunca Más* 4)³

As a system of “cleansing” Argentine society of what the military regarded as dissident communist ideologies, the junta declared that they were engaged in an alleged “Dirty War” (a term that erroneously implies both sides were equal and willing combatants) against un-Argentine moral and political perversion that was being endorsed by a cadre of “terrorist” mercenaries – although, as Jorge Rafael Videla, the first dictator of the junta, famously stated, “a terrorist is not just someone with a gun or a bomb; it is anyone who spreads ideas that are contrary to Western or Christian civilization” (Bouvard 37).

Included in the military’s unspeakable methods of repression were the forced disappearance of victims (military units would often raid a victim’s home in broad daylight, beating and torturing family-members and seizing their target, followed by a refusal to acknowledge the person’s fate or whereabouts); public rape (often, the wives of suspected “leftist-sympathizers” would be arrested and publicly raped until the whereabouts of their husbands were revealed), the flaying and burning-alive of prisoners; the employment of medieval torture practices (including inserting red-hot pokers into victims’ body cavities and the removal of fingernails or eyelids); the use of electric cattle-prods on pregnant women; the use of unmarked mass graves to dispose of bodies without any documentation or identification records; the abduction and illegal adoption of children by military families (many of whom were born of rape in clandestine prison camps); and ultimately, the notorious “death flights,” in which thousands of prisoners were drugged, stripped naked,

and thrown from military aircrafts to their ultimate deaths in the Río de la Plata.⁴ As Sábato observes:

From the moment of their abduction, the victims lost all rights. Deprived of all communication with the outside world, held in unknown places, subjected to barbaric tortures, kept ignorant of their immediate or ultimate fate, they risked being either thrown into a river or the sea; weighed down with blocks of cement, or burned to ashes. They were not mere objects, however, and still possessed all the human attributes: they could feel pain, could remember a mother, child or spouse, could feel infinite shame at being raped in public. They were people not only possessed of this sense of boundless anguish and fear, but also, and perhaps indeed because of feelings such as these, they were people who, in some corner of their soul, still clung to an absurd notion of hope. (*Nunca Más* 4)

Following the return to democracy in 1983, the newly elected government led by President Raúl Alfonsín was tasked with bringing justice to the estimated thirty-thousand “Disappeared,”⁵ while at the same time restoring a fractured nation that had been torn apart by years of unspeakable violence and repression. Thirty-eight years after the inauguration of the first Nuremberg Trial, the Argentine people were faced with a similar task of uncovering truths and achieving justice in a post-traumatic transitional context.

However, like the German case before it,⁶ the Argentine transitional process was complicated from the very outset by three central challenges. Firstly, an impassioned nationwide movement, led by the families of the *desaparecidos*, was pressuring the government to take action against members of the former dictatorship, demanding that a formal

Nuremberg-style court be established to hear individual cases. However, secondly, the Argentine economy was on the brink of collapse,⁷ with enormous outstanding foreign debts and the industrial and agricultural sectors in disrepair – both of which would have been severely hampered by the inauguration of a series of costly human rights tribunals. Lastly, owing to the enactment of a series of controversial self-amnesty provisions that the former regime had enacted just prior to agreeing to hand over power, the vast majority of those military officers associated with the former dictatorship had been allowed to remain in their positions within the armed forces, resulting in the lingering ominous threat of another potential military coup (Tedesco 25).

Like the Allied occupiers in Germany, the Alfonsín administration was faced with the problem of having many high-ranking military officials who remained loyal to the former dictatorship's far-right ideology after the return to democracy. However, unlike the American denazification program, Alfonsín's new administration settled for a more subtle approach to subduing this faction, opting instead to serve as a political and ideological intermediary between the former authoritarian regime and the human rights groups who publicly opposed them.

President Alfonsín was, therefore, faced with a difficult dilemma: while his new administration on the whole was eager to demonstrate its willingness to admonish the leaders of the dictatorship for their recent human rights violations, it also had genuine reservations about provoking another display of military force by the former regime's loyalists if members of the former juntas were perceived as being publicly humiliated in a series of high-profile human rights trials (see Tedesco 25). Given the frequency with which the military had forcibly seized control of the government over the past half-century (there had been six military coups d'état between 1930 and 1976) and the ignominious

circumstances surrounding the recent transition to democracy (the regime was only hectored into relinquishing control after an embarrassing defeat in the Falklands War) many within Alfonsín's administration were hesitant to place all of the blame for the so-called "Dirty War" on the Armed Forces. In time, these initial apprehensions would prove warranted, when a faction of far-right loyalists within the military – nicknamed *Los Carapintadas* ("The Painted faces") – staged a series of violent uprisings to protest the impending trials and what they saw as the media's vilification of the former dictatorship, demanding that the State "refrain from bringing any legal action against them and vindicate their struggle against 'subversion'" (Crenzel, *The Memory of the Argentina Disappearances* 100). Although these uprisings ultimately failed to overthrow the democratically elected government, the insurrections were a grave reminder of the enduring threat that the military presented to the restoration of democracy.

In light of the looming risk of antagonizing the military leaders, Alfonsín found himself in the paradoxical situation of being obliged to bring the former juntas to justice for the "disappearances" and murders, while simultaneously striving to temper the public condemnation of that very same junta in order to preserve and sustain the delicate cradle of democracy.

In light of these challenges, the newly elected President was compelled to negotiate a number of concessions with the military leadership, based on the hope that they would act in good faith with the new democratic government. First, he offered the Armed Forces an opportunity for what he called "self-cleansing" (Tedesco 26), asking the military leaders to take disciplinary action against the most egregious human rights violators during the *Proceso*, stripping them of their rank and dismissing them from their positions. Secondly, he passed a new law that required the high military court – *los Consejo Supremo de las Fuerzas Armadas* (the

Supreme Council of the Armed Forces) – to prosecute “those members of the security forces, the police, and the penitentiary service, who operated under the orders of the Armed Forces,” for any previous violation of pre-existing Argentine laws (Tedesco 26). Alfonsín had hoped that these two initiatives, intended to allow the military an opportunity to redress the crimes of the *Proceso* internally, would placate the leaders of the Armed Forces (while also craftily ensuring that the operating costs for the human rights trials would be covered by the military’s internal budget and, thus, not hinder their efforts to stabilize the national economy).

Despite Alfonsín’s best intentions, however, the military judges failed to act in good faith with the new government. Taking advantage of the recently enacted self-amnesty laws, the military court rushed through what amounted to a mock enquiry of its own high-ranking members. In its initial hearing, the Supreme Council unsurprisingly found “insufficient evidence” of military responsibility for the tortures and disappearances, besides certain “negligible” proof that *some* members could be found “indirectly responsible” (Oberdorfer “Alfonsín Foresees Civil Trial”).⁸ While the military court’s decision precipitated a vociferous public backlash, several anonymous military sources eventually cited “grave concerns for the judges’ safety” (Oberdorfer) as the reason for the court’s reluctance to prosecute its own members. During the weeks leading up to the internal inquiry, it was reported that a number of judges received “anonymous death threats” from members of the Armed Forces, while the court-appointed prosecutors reportedly “received mailed envelopes containing three feathers – a military code for cowardice” (Oberdorfer).

Following the military’s ostensible self-exoneration, President Alfonsín faced increasing pressure from several human rights groups, including the *Madres* and *Abuelas de la Plaza de Mayo* (the “Mothers” and “Grandmothers” of the Disappeared), to ensure some

sense of justice for the victims of the *Proceso*. In the wake of growing public demonstrations against the perceived military impunity, Alfonsín agreed to transfer the human rights trials from the High Military Court to a branch of Federal Appeals Courts in Buenos Aires province. However, owing to an obscure ambiguity in the jurisdictional relation between the two courts, Alfonsín's decision now meant that *any* civilian (or the families of any of the over thirty thousand “disappeared”) could now open a court case against *any* member of the armed forces – regardless of their rank – whereby new evidence would be heard, new charges could be laid, and prior sentences could be reversed (Schumacher 1080).

Anticipating the opening of tens of thousands of new civil cases and predicting that the operating costs of the ensuing flood of civil trials would have a devastating effect on the government's efforts to stabilize the economy – which was now in a state of insolvency with the International Monetary Fund for failing to repay international debts incurred by the former dictatorship (de Beaufort Wijnholds 102) – President Alfonsín was, once again, forced to rethink his government's approach to transitional justice.⁹

Following a visit from IMF officials in August of 1983 – during which executives from the economic fund threatened to end a newly established austerity program unless the Alfonsín government was able to reign-in federal and provincial spending and put an end to deep-rooted profligacy and corruption (de Beaufort Wijnholds 103) – the new President was once again pressured to abandon the thousands of costly civil trials, in exchange, this time for a small handful of high-profile cases against the nine former leaders of the juntas. While the withdrawal of the civilian court cases threatened to undermine the new administration's efforts to conciliate the victims and their families, Alfonsín pledged (in a speech before delegates of his party's National Committee) that although only the nine senior-most military officials of the juntas would be tried, victims and witnesses would still have the opportunity

to testify in the courtroom and that their depositions would be televised in order to allow their *testimonios* to be heard by the entire country (Osiel 30). This new approach would ultimately allow the Alfonsín government to tread a fine-line between: a) providing the public with a sweeping sense of justice; b) working towards stabilizing the national economy; and c) sparing the vast majority of mid to low-ranking military officers from the public humiliation and castigation that might trigger another violent coup attempt by placing the majority of the blame on only the nine leaders of the Armed Forces.

In order to achieve this delicate balance of desired outcomes, however, the government would first have to drastically transform public opinion in a way that lessened the blame on the former military regime, thereby persuading the Argentine public to relinquish their collective desire for Nuremberg-style retribution against a vast military apparatus that had terrorized them for nearly a decade. History, in other words, would have to be re-written.

On December 13 of that year, four months after the IMF visit, Alfonsín drew up three Presidential Decrees that would do just that. First, Decree 157 charged seven leaders of prominent left-wing guerrilla organizations, including the *Montoneros* and *Ejército Revolucionario del Pueblo* (“The People’s Revolutionary Army”) – which was founded as a small, underground network of resistance fighters in response to the military regime’s brutal oppression – with conspiracy, homicide, and public incitement to commit felonies during the reign of the juntas. Next, Decree 158 court-martialed the nine leaders of the dictatorship on charges of homicide, kidnapping and torture. Under the latter decree, only the commanders of each of the Armed Forces’ three branches – the Lieutenant General of the Army, the Chief Admiral of the Navy, and the Brigadier General of the Air Force – during the dictatorship’s three juntas would be charged,¹⁰ while thousands of subordinate officers were

officially exempted.¹¹ Together, these two decrees ordered the parallel criminal indictments of both the leaders of the right-wing military dictatorship and the commanders of the leftist resistance groups – and in fact, as “a gesture of evenhandedness” (Stites Mor 81), suggested that the latter had actually *started* the conflict.

Immediately, several human rights groups publicly denounced the packaging of the decrees together as a single dictate, on the grounds that it erroneously ascribed “equal responsibility to both the perpetrators and their victims” (Moyano 91). In response to these initial public protests, Alfonsín then passed Decree 187 two days later on Dec. 15, mandating the establishment of CONADEP, which would be erroneously promoted as an independent and neutral investigative body meant to represent the interests of the victims. Under Decree 187, the Commission was instructed to work together *with* the human rights groups (who had opposed the “equal responsibility” theory) to conduct an investigation into and produce a report on the forced disappearances that occurred during the *Proceso* (Phelps 83). But, while the commission was instructed to work alongside several human rights groups in gathering information and conducting the investigations, the executive committee – under the direction of novelist Ernesto Sábato, who was hand-picked by Alfonsín – would maintain absolute creative control over the final report and the direction of its mandated “equal blame” narrative.¹²

As the chief investigative body tasked with determining the origins, scope, and lasting consequences of the so-called “Dirty War,” CONADEP’s mission would be forever tied to the invocation of Decrees 157 and 158, as it would serve as the official vehicle to validate the discursive strategy of assigning equal blame to both the dictatorial regime and those individuals who dared to take a stand against it. Under the aegis of CONADEP, the story of the years of terror would soon be re-inscribed as the Manichean struggle between

the extreme left and the far right, and the “Theory of the Two Demons” – as it would come to be known – would become indelibly etched in the cultural memories of the nation.

Based on Decree 187, CONADEP was given six months to carry out two separate, yet correlated, endeavors: a) to investigate the fate of the *desaparecidos* (the victims of forced disappearances) and other human rights violations, and b) to document its findings in a comprehensive report that would be delivered to Alfonsín in 1984. Following the completion of their assignment, and based on the findings of this report, the government would then launch the human rights trials against the sixteen individuals named in Decrees 157 and 158 (seven from the “left” and nine from the “right”), using the information and statistics produced by the *Nunca Más* report as the central body of evidence against the perpetrators in the courtroom.

Similar to the Nazi war crimes tribunals, the discourse surrounding the impending “Trial of the Juntas” centered upon a widely acknowledged twofold public perception: on the one hand, owing to the fanatical secrecy under which the dictatorship operated and the resultant destruction of nearly all government records, the public looked toward the impending trials as the moment in which the many rumours of unspeakable violence would, at long last, be either confirmed or repudiated. On the other hand, a sweeping sense of incredulity that such heinous acts could have been committed on so large a scale without considerable public knowledge underscored the urgency for CONADEP to once-and-for-all provide the nation with a definitive account of the violence and disappearances, including what role, if any, so-called “ordinary” citizens who were unassociated with the guerilla organizations had played. Unlike the Nuremberg case, however, the leaders of the Argentine transitional government understood the enormous impact that a shrewdly crafted and

carefully curated historical narrative would have in bringing together the traumatized nation under the looming weight of the impending trials.

Anticipating that the forthcoming trials would be highly complex and deeply acrimonious – not least of which because of the enactment of the self-amnesty laws that had been ratified shortly before handing over power – President Alfonsín appointed several prominent authors (including novelists, journalists, and philosophers) to CONADEP in order to maximize the narrative potential of the *Nunca Más* report.¹³ By divorcing the investigative, history-writing task of the *Nunca Más* report from the menial practicalities of the Appeals Court, the authors-cum-commissioners would be free to invoke the spirit of Alfonsín’s “Two Demons” strategy by ascribing equal responsibility to both the perpetrators and the victims.

In addition to appointing several well-known writers to the executive committee, Alfonsín’s attempt to re-write history as the supposed struggle between two warring factions of political extremists would be aided by what is perhaps the singular and defining characteristic of the Argentine transitional justice process. Owing to the fact that it was commissioned *prior* to the “Trial of the Juntas,” *Nunca Más* reversed the typical sequence of transitional justice mechanisms. Whereas most “official reports” on transitional justice proceedings generally *follow* the conclusion of judicial trials – for instance, the South African TRC Report or the Chilean *Rettig Report*, which served to encapsulate both the legal action and the court’s rulings, while using the evidence produced *during* the trials to establish an accurate historical record of the traumatic period – the *Nunca Más* report was, instead, produced *in anticipation of* the tribunals, and the evidence that the Commission uncovered (as well as the “Two Demons” historical narrative that the report produced) were subsequently used by the prosecution *during* the trials as the very basis for their litigation. The events

narrated in *Nunca Más* – artfully composed by a team of novelists and journalists – were taken as incontrovertible “historical facts” during the trials, serving as the basis for the prosecution’s charges against the former members of the military junta, who then reproduced and performed *Nunca Más*’ “equal blame” narrative on the public stage of the courtroom. In this sense, the order of transitional justice operations were reversed, with the “official report” serving as the *foundation for* the tribunals, after having already been widely read by a vast segment of the population (topping several bestseller lists in the months following its publication) and having been wholly absorbed into the cultural fabric of the nation.

The reasons for this “reversal” were varied. The Argentine public yearned for any sort of information concerning the disappearances of their *compañeros* immediately following the end of hostilities, since the *Proceso* was carried out under an extreme cloak of secrecy and misinformation. At the same time, President Alfonsín had a pressing need to demonstrate to the public that he was willing to take immediate concrete action to rebuke the members of the junta, many of whom were perceived as still operating with absolute impunity from their positions in the military.

Likewise, since the President’s decision to allow civilian witnesses to testify during the impending trials¹⁴ meant that the “Trial of the Juntas” would surely take several years to complete,¹⁵ the Alfonsín government settled on the inauguration of the ostensibly independent CONADEP commission as a means of jump-starting the transitional justice process ahead of any concrete legal action against the leaders of the former dictatorship.

Whether intentional or not, the reversal of operations would have a monumental impact on the public’s adoption of the “Two Demons” theory, since it allowed the narrative to be circulated widely before being substantiated by the rigors of evidence in the

courtroom. However, given that *Nunca Más* was envisioned as a precursor to the impending trials, the authors were therefore not bound to any previously established legal provisions, meaning Sábato and his team – including celebrated investigative journalist Magdalena Ruiz Guiñazú, who served as the “star” anchorwoman for the dictatorship’s propaganda news network, Station 11, during the juntas¹⁶ – enjoyed their customary degree of literary license when narrating the commission’s investigations.

Owing to the sensational nature of the crimes, the almost utter lack of material evidence, and the intense public demand for any type of information concerning the fates of the *desaparecidos*, Sábato and his team were able to report on the tortures and disappearances with an unrestrained measure of histrionic flair. Despite repeated claims by the authors that “the Commission was set up *not* to sit in judgment, because that is the task of the constitutionally appointed judges” (i, italics mine),¹⁷ the *Nunca Más* narrative would, in the end, make several solemn and incriminating declarations of criminal guilt and moral culpability on both “sides.”

For most Argentines, *Nunca Más* represented their first exposure to any “official” information regarding the horrors committed by the dictatorship, and the emotional weight of the victim testimony, in concert with the perceived authority of the commission, bestowed an air of officialdom upon its narrative as the single authoritative historical account of the *Proceso*. Owing to the perceived legitimacy of the report, public perceptions of the ensuing trials were dictated by the prosecution’s ability to take up the spirit of the “Two Demons” theory and their capacity to frame their legal action around the version of events that *Nunca Más* had already popularized. Although President Alfonsín’s attempt to equalize blame for the years of terror was rooted in the legal purview of Decrees 157 and 158 – intended to appease the volatile military leadership and thereby ward off the possibility of

another potential coup – it was the *Nunca Más* report that, in fact, did much of the heavy lifting when it came to swaying public opinion and rewriting history.¹⁸

Insofar as it was not produced as a retroactive encapsulation of the formal judicial proceedings, *Nunca Más*' narrative was therefore not beholden to the same standards of evidence as the prosecution would soon be. By the same token, its form and structure was also exempt from the conventional stylistic limitations of legal analysis and bureaucratic language that had inhibited the *Nuremberg Report* before it. Unlike its German predecessor, *Nunca Más* was free to take up a much more “literary style” in its effort to craft an historical account that would appease the traumatized public, employing a host of literary and rhetorical devices as a means of imbuing the report with a sense of suspense and drama. Despite the Commission recording over nine thousand depositions (Speck 493), examining in detail the records of morgues and cemeteries across the country, opening mass graves, and carrying out newly developing forensic investigations (*Nunca Más* 428-37), the commission was, nonetheless, still severely hampered by an overwhelming absence of material evidence. In this absence, the inquiry became, above all, a narrative reconstruction of the years of terror.

Ernesto Sábato and the Invention of the Truth Commission Narrative:

In selecting internationally renowned novelist Ernesto Sábato to serve as chairman of CONADEP, President Alfonsín ensured that *Nunca Más* would succeed in crafting a public memory of the so-called “Dirty War” that, unlike the *Nuremberg Report*, would appeal to the traumatized public and provide an all-encompassing mnemonic framework for how the nation would remember, honour, and mourn the *desaparecidos*.

Sábato, along with Jorge Luis Borges, Ricardo Piglia, and Julio Cortázar, was one of the most well-known and esteemed Argentinian writers of his generation. Although his journey to literary success was a circuitous one – he would first abandon a promising career as an atomic physicist, for which he had earned a PhD in 1937 – Sábato eventually composed three highly acclaimed novels, each written in entirely disparate styles and genres.

One year after earning his doctorate, Sábato accepted a research fellowship at the prestigious Joliot-Curie Physics Laboratories in Paris, where he met and befriended several central members of the French Surrealist movement, including writers André Breton and Paul Éluard, and visual artists Victor Brauner, Oscar Domínguez and Wilfredo Lam (Bach 15). However, despite his years spent in the inner circle of the Surrealist group, Sábato never embraced the group's aesthetic sensibilities. Aside from a single stand-alone chapter in *On Heroes and Tombs* – the so-called novel-within-a-novel, titled “Report on the Blind,” which is said to be his sole tribute to Surrealism – Sábato would instead be more closely associated with the “Bourgeois Realist” movement of his native country. But while Breton and his group did not have a significant impact on the Argentinian's artistic direction, they *did*, however, have a profound effect on Sábato's political evolution, encouraging and contributing to his abrupt break with the communist party in 1939 (Sábato, “*Hombres y engranajes*” 112).¹⁹

Upon returning to Argentina in 1940, Sábato taught for three years in the Physics department at the University of Buenos Aires before fully committing himself to a career as an author two years later. Although he began by writing a series of political and cultural essays for a number of small cultural magazines, Sábato soon developed a highly regarded international reputation as a writer of both “serious” classical novels as well as popular psychological thrillers and crime dramas suffused with deep existentialist themes. While his

novels attracted the praise of major literary figures – including Albert Camus, Graham Greene, and Thomas Mann (three authors with whom his works were often compared) – it was his work during the dictatorship forming the human rights organization, *Movimiento para la recuperación de niños desaparecidos* (“Movement for the Recovery of Disappeared Children”), that positioned Sábato as a natural choice to serve as the lead author of the highly anticipated CONADEP report.²⁰ What’s more, Sábato’s widely known centrist political views, which were very much at the heart of his public image as an “intellectual” writer, situated him as the ideal champion of President Alfonsín’s tendentious “Two Demons” theory.

For years, Sábato’s politics were at the very forefront of his fame, which, as Colm Tóibín notes, led to him being regarded as “not only a central figure in the literary life of Argentina [...] but in its political and civil life as well” (“Introduction” v). Sábato’s early involvement with the communist movement in Argentina, which was highly publicized at the time, was followed by a later period of disillusionment and outspoken criticism of the left. His public denunciation of the Péron government – along with his contemporaries Borges and Silvina Ocampo – saw him removed from his teaching positions at the University of Buenos Aires (Bach 16) and face a two-month prison sentence for “expressions of disrespect” (Oberhelman 39) in 1942. Along with Borges, Sábato then surprised many of his followers when – breaking from the traditional leftist proclivities of the creative class – they openly welcomed the 1976 military coup, earning both writers the praise and support of the far-right dictatorship (Roniger and Sznajder 144-145).²¹ But, whereas Borges would eventually have a dramatic change of heart and publicly denounce the dictatorship’s violent and repressive tactics, Sábato maintained temperate relations with the

regime throughout the duration of the *Proceso* (while simultaneously working alongside human rights groups on the left to locate missing children).

At a time when many younger writers throughout the region were gaining international recognition for their outspoken leftist views – including Gabriel García Márquez, Mario Vargas Llosa, and José Donoso – Sábato instead attempted to play the part of *eminence grise*; a sort of prudent and pragmatic elder-figure who inveighed against extreme politics from both “sides.” Frequently citing his incongruous political experiences as a young man – he had been raised in a well-known and affluent conservative family, but had also served briefly as the secretary of the Argentine Communist Youth Federation – the celebrated author would eventually come to envision himself as an icon of centrist composure in a country with a long and turbulent history of political extremes.

From his earliest days in Paris, Sábato’s self-professed “centrist” politics were interminably at the forefront of his carefully-curated public image, as evidenced by the author-profile composed by his good friend Helen Lane for the English-translation of his magnum opus, *On Heroes and Tombs* (1981). “Involved actively in Communism in his youth,” the profile reads, “his opposition to Stalin led Sábato to [later] reject the movement. Since then, he has fought all forms of oppression, from the left as well as the right, supporting his principal of ‘social justice and liberty.’ During the worst years of the Argentine dictatorship,²² he refused to emigrate, even under the threat of death, and continued to denounce both terrorism *and* repression” (Sábato 1981, dust-jacket). Given Sábato’s decades-long public campaign against the so-called radical terrorism of the far left and the draconian tyranny of the extreme right, the outspoken novelist was a logical choice to serve as lead-investigator and chief author of President Alfonsín’s impending “Two Demons” report, which sought to

rewrite the story of the *Proceso* as the battle between two equally sinister extremist factions on opposite sides of the political spectrum.

Hailed by critics as “the nation’s conscience” (Bach 14), Sábato routinely toured the country, speaking and lecturing on contemporary political and moral issues. While he was often called upon to respond to important national political debates – producing scathing editorial polemics like *El otro rostro del peronismo* (“The Other Face of Péronism”) – his turgid political persona also folded neatly into his popular literary works. As with his public life, politics and the theme of partisan extremism was always at the forefront of Sábato’s heuristic and often pedantic novels. Despite continued attempts to align himself with the popular existentialist writers of the 1940s and 50s, his novels are instead characterized more by their bold and naked didacticism than by any universal expressions of Sisyphian Absurdism.

Born in 1911, Sábato belonged to the *Indigenista*²³ school of writers, which preceded the more famous Latin American “Boom Generation,” an era of Argentine prose fiction that has since been maligned for its “overly regionalistic and Manichean . . . representation of political and social realities” (Barry 41). Like other members of this earlier generation, Sábato’s fiction is often encumbered by an enervating and sanctimonious moralism, borne out with a prosaic reliance on both “Bourgeois realism” and *campesino* (peasant farmer) vernacular and provincialisms.²⁴ It is no surprise then, that – although he always considered himself “fundamentally a novelist” (Fox 4) – Sábato always found his greatest success as a writer in the form of the homiletic political essay. In addition to his trio of novels – *The Tunnel* (1948), *On Heroes and Tombs* (1961), and *Abaddón the Exterminator* (1974) – Sábato published fourteen collections of essays on a variety of political and philosophical topics specific to the Argentine social landscape of his time.

A prolific political essayist, Sábato was famously frustrated by the aesthetic strictures of the novel. In an “Author’s Note” that precedes each of his novels, Sábato confesses to having always lacked “faith and confidence” in his abilities as a pure novelist, and to having burned or otherwise destroyed the “majority of [his] manuscripts” (“Author’s Notes,” *On Heroes and Tombs*) because they failed to meet his exacting standards for a heuristic and moralizing literature. In light of his frustrations as a prose writer, his alleged experimentations in narrative, form, and genre – which often saw his novels miscategorized as belonging to the younger Boom movement, as opposed the more spartan *Indigenista* school – come across as more of a struggle to couch his overriding ideological hypotheses in a suitable aesthetic carapace, than an effort to explore the frontiers of literary expression. While some critics have generously credited him with “producing a new literary genre: the ‘essayistic novel’” (Urbina i), others – such as Robert Coover and Salman Rushdie – have been much less sympathetic to his literary efforts, with the former suggesting that Sábato’s characters simply serve as “the mouthpiece for the author’s own essayistic sentiments” (“Oedipus in Argentina”). Alluding to the haughty didacticism of his novels, Coover famously added: “Sabato likes to quote Flaubert’s famous line, ‘Madame Bovary, *c’est moi*,’ as a kind of working principle. But it is clearly the ‘*moi*,’ not Madame Bovary, that most interests him” (“Oedipus”).

Despite his frustrations as a novelist, Sábato often spoke candidly about his unceasing obsession with writing *la gran novela Argentina* (“the great Argentine novel”).²⁵ Above all, he aspired to equal his literary hero, Fyodor Dostoyevsky, by writing an Argentine version of *Crime and Punishment*; a novel that would answer the question, “What is Argentina?” (Fox 4). For Sábato, Dostoyevsky’s novels are remarkable precisely because they are “profoundly and essentially Russian,” they “give a vision of the reality of that country

that not even a set of a thousand essays could give” (Fox 4) – which, of course, is what Sábato always strove to accomplish in his own literary endeavors. In praising the Russian master, Sábato reveals an important underlying factor in his own struggles as a novelist: according to Sábato’s didactic principals, novels must always be instructive – they must *reveal* truths and *teach* their audience, over and above any aesthetic value. As Coover notes, “His great model is Dostoyevsky, ‘a tortured writer for whom style is less important than *truth*,’” because for both Sábato and Dostoyevsky, “writers are teachers, prophets, saints, and martyrs – or they are nothing” (“Oedipus”).

While Sábato succeeded as both a lecturer and an essayist in “conveying truths” and serving as his “nation’s conscience,” he continually struggled to marry the didactic and the aesthetic within the margins of his novels. To this end, his appointment as president of CONADEP represented a serendipitous juncture in his path toward *la gran novela Argentina*. While he would provide the commission with a bona fide spokesperson – an ostensible moral authority, whose politics corresponded perfectly with the preconceived “Two Demons” hypothesis – the *Nunca Más* report would also supply Sábato with the long awaited opportunity to integrate his serious-minded didacticism with a captivating story of national importance.

Unfettered by the aesthetic limitations of the novel, *Nunca Más* would ultimately provide Sábato with the opportunity to answer the question, “What is Argentina?,” by allowing him to re-write his country’s violent history in the vision of his own imperious political and ethical ideals. Like his earlier novels – typified by his unique moralizing brand of historical fiction – the story of the *Proceso* would be officially re-inscribed as a profound moral fable, centering on the existential anguish of the common man, caught up in a world-historic struggle between two evil factions. Under the creative direction of Sábato – whose

novels often borrowed heavily from biblical and Greco-Roman mythology – *Nunca Más*’ “Two Demons” narrative would evoke whispers of Zeus and Prometheus, rewriting the history of the *Proceso* as a pseudo-parable of the two warring gods who wreaked havoc on Athenian civilization. From its opening sentence, which declares, “During the 1970s, Argentina was torn by terror from both the extreme right and the far left” (i), Sábato’s narrative succeeds in distilling the many-sided events of the *Proceso* down to a well-wrought Manichean literary trope, imbuing the historical events with the “immense seriousness” and “moral authority” for which he was renowned (Tóibín v). As the author’s friend and collaborator Nick Caistor notes, in his 2011 obituary for the author:²⁶

Although in other countries the selection of Sábato to preside over the commission might have seemed ludicrous, there was no doubt that a writer of fiction represented the best hope Argentina had of finding an impartial figure who could be trusted to weigh the evidence... Sábato’s preface²⁷ to the ghastly testimonies ... was a model of outraged sobriety and a clear statement that respect for individual human rights must be the cornerstone of any decent society. (Caistor “Obituary”)

Despite Sábato’s massive popularity as a writer and his obvious political compatibility for the role, some members of CONADEP were, nevertheless, wary that his involvement might result in an overtly aesthetic vision for the *Nunca Más* report – after all, his most recent novel, *Abaddón the Exterminator* (1974), was his most formally experimental, to date. As both a political instrument to be drawn upon during the impending trials and as a framework for the collective remembrance of future generations, several commissioners worried that Sábato – in his leading role as Chief Commissioner of CONADEP – might take

certain narrative liberties in his handling of *Nunca Más*, leading to internal disagreements about the narrative style that the report should take up.²⁸

Commission members Graciela Fernández Meijide and Noemí Labrune, who were appointed to head the depositions department of CONADEP, initially proposed a basic, unassuming informational structure for the final report that would remain faithful to its primary function as a judicial instrument. Under their proposal, the report would simply fulfill five rudimentary functions. It would: a) present the commission's findings in accordance with its own clearly mandated legal objectives; b) set forth detailed and analytic descriptions of the evidence that would be submitted to the courts; c) submit a list of perpetrators identified according to three levels of culpability;²⁹ d) establish a comprehensive list of victims grouped by socio-demographic and occupational categories; and finally e) present a series of diagrams depicting the physical layout of each of the clandestine concentration camps and surrounding areas (Crenzel, *The Memory* 66). This structure, modeled on previous reports assembled by various human rights organizations during the dictatorship – particularly by the *Permanent Assembly for Human Rights* and the *Inter-American Commission on Human Rights* – was predicated on the idea that the *Nunca Más* report should serve as a straightforward and unadorned blueprint for the prosecution during the impending trials, with the focal-point being a simple and unembellished index of the crimes. As such, Meijide's and Labrune's model favored the use of the report as an easily accessible, evidence-based political and judicial tool – similar to the final version of the *Nuremberg Report* – and put little stock in its potential as a narrative-framework for a national memory of the *Proceso* for generations to come.

On the other hand, Sábato envisioned the report as an original, “vivid” showpiece, that would serve as a “symbolic testament... to the savagery and repression that was

unleashed, a reminder so that it will never happen again” (Crenzel, *The Memory* 66). In his proposal, which was ultimately accepted by the commission, *Nunca Más* “would not be technical in nature” (Ibid 66), but would instead weave a suspenseful historical narrative around the graphic victim testimonies gathered by CONADEP.

Beset with competing narrative visions, the Commissioners quickly found themselves facing a critical and unprecedented aesthetic decision. As equal parts historical narrative, investigative report, and legal conspectus, there were no prior stylistic templates upon which the commissioners could base *Nunca Más*. As Teresa Godwin Phelps notes, “We must remember, the authors of the Argentine report were inventing the form, and the choices that they made ...have significantly impacted the form of truth commission reports that followed” (Phelps 85). Owing to Sábato’s popularity as a novelist, the commissioners were well aware of the degree of narrative scrutiny that his involvement would confer upon the report. While the celebrated novelist certainly envisioned *Nunca Más* as a golden opportunity to tell *the* definitive story of twentieth-century Argentina, several of his collaborators were justifiably concerned that his involvement might imbue the report with an “overly literary” resonance (see: Crenzel, *The Memory* 68).

With time, these concerns have certainly proven warranted. Upon the report’s initial publication in Argentina (where it immediately topped several bestseller lists), many international publishing houses requested to publish translated versions of *Nunca Más* as a “novel.” As Emilio Crenzel points out, a host of mistaken assumptions based on “Sábato’s prestige as a novelist” led to several requests from the “fiction departments” of foreign publishing houses asking to translate and publish *Nunca Más* as a mass-market paperback between March and August of 1985 (108). As Crenzel notes:

The fiction department of Finland’s OTAVA Publishing Company offered

to purchase the rights to what it called ‘Ernesto Sábato’s *Nunca Más* novel’; and Denmark’s Lindhardt and Ringhof Publishers put in a similar request to publish ‘Ernesto Sábato’s *Non Comas* book, as did the Swedish publishing house Brombergs Borforlagab [renowned for publishing the novels of Isaac Bashevis Singer, Octavio Paz, and more recently J.M. Coetzee and Jonathan Franzen]. (108)

In addition to these initial mistaken assumptions, many retrospectives of Sábato’s literary career often count *Nunca Más* among his most celebrated works, frequently mentioning the report in the same breath as his trio of novels. In time, Sábato’s handling of *Nunca Más* has become inseparable from the high-minded moral overtones of his fictional works, making it impossible to read the report apart from them. As Colm Tóibín admits in his introduction to the English translation of Sábato’s first novel, *The Tunnel*: “it is fascinating to read *El Tunnel* from 1948 in conjunction with the sober and detailed [*Nunca Más*] report which Sábato and his commission produced in 1984,” bearing in mind certain equivalences between the two works – “the style, so controlled and factual, and the content, which [both] deal with a world where violence, disorder and megalomania reigned” (Tóibín viii-ix).

José Saramago echoes this sentiment in his tribute to the Argentinian novelist, published on the eve of his ninety-eighth birthday, when he alludes to Sábato’s four major works: the three novels, as well as his “book of the victims’ testimonies” (*Notebook* 218). Drawing a thematic analogy between all four works – which each, in their own way, deal with the volatile political landscape leading up to and during the *Proceso* – Saramago applauds Sábato’s unique ability to penetrate “the labyrinthine corridors of his readers’ souls” by forcing them “to hear the cries of his conscience [...] during the apocalypse of bloody

repression inflicted upon the Argentine people” (218), audaciously adding: “I am certain that the century we have left behind will become known as the century of Sábato, at least as much as Kafka or Proust” (219).

While Sábato’s peers were quick to draw parallels between his works of fiction and his handling of the *Nunca Más* report, the literary establishment was perhaps even more eager. While Sábato had published each of his three novels in 1948 (*The Tunnel*), 1961 (*On Heroes and Tombs*), and 1974 (*Abaddón the Exterminator*), respectively, it was not until the publication of *Nunca Más* in 1984 that the Argentinian author received the illustrious Miguel de Cervantes Literary Award – the highest and most prestigious award given for Spanish-language literature – securing his position amongst such literary heavyweights and fellow *laureados de Cervantes* as his one time friend and countryman Borges,³⁰ as well as Nobel Laureates Mario Vargas Llosa, Carlos Fuentes, and Camilo José Cela. In fact, this impressive honour came only months after Sábato was also voted a finalist for the 1984 Neustadt International Prize for Literature – another highly esteemed international literary prize, often compared with the Nobel – losing narrowly to the eventual winner, Paavo Haavikko.³¹ While the Cervantes award – which he called “*el más alto honor de mi vida*” (“the highest honour of my life”) (“Ceremonia de Cervantes”) – guaranteed Sábato the literary recognition he had long desired, its incontrovertible connection to *Nunca Más* highlights both the significant impact of the report’s narrative artistry, as well as the prevailing readerly perceptions of the work.

If *Nunca Más* is now considered amongst Sábato’s highly acclaimed literary works – and, indeed, as the basis for his prestigious Cervantes award – it is because the commission eventually consented to Sábato’s novelistic vision for the report, giving rise to an imaginative narrative expression of the *Proceso* that would dramatically re-shape the cultural memories of

the violence and repression for decades to come.

Under Sábato's creative vision, an evocative prologue would initially establish the report as the ultimate crime thriller in which the celebrated author, himself, plays the role of detective: "investigating the fate of the people who disappeared during those ill-omened years" (*Nunca Más* i), and "[piecing] together a shadowy jigsaw, years after the events had taken place, when all the clues had been deliberately destroyed, all documentary evidence burned, and buildings demolished" (i). Under Sábato's proposal, the atmospheric prologue would set the stage for the drama of the report by sketching a preliminary portrait of the "spirit" of terror that gripped the nation during the 1970s. This would then be followed by detailed chapter-by-chapter investigations into each type of grisly crime ("Abduction," "Torture," "Extermination"), populated by a colourful cast of perpetrators and witnesses. Finally, running parallel to the commission's central narrative would be a secondary plot, presented as short, vignette-style *testimonios* of the brutal violence suffered by actual victims, based on the personal depositions and case-files that CONADEP had gathered. These testimonies would punctuate the central narrative, providing graphic, first-hand evidence of the violence from those victims who had managed to survive, while Sábato's parallel central narrative would deliver solemn philosophical and moral meditations on the wickedness that befell the nation. The result would be two intersecting narrative voices – Sábato's third-person omniscient storyteller, and a chorus of survivors – whose dual storylines varyingly draw readers in close to the brutal violence and pull us back out in undulating waves of drama and tension. As a shrewd form of narrative craftsmanship, this structure would ultimately succeed in marrying the evidence-based documents and depositions – upon which the judicial prosecutors would rely, and which Meijide and Labruno favoured – with the type of compelling master-narrative that Sábato envisioned.

While a small number of critics would eventually praise Sábato and his co-authors for their solemn and restrained approach to handling such dour material – for assuming a “descriptive and instructive tone... without resorting to artifices or literary devices” (Crenzel, *The Memory* 92) – a careful review of *Nunca Más*, in fact, reveals a great deal of understated rhetorical and literary artistry that Sábato had previously employed, to similar effect, in his earlier novels.

Sábato’s Literary Impact on the CONADEP Report: *Nunca Más* as a Novelistic Re-Construction of the *Proceso*.

In the previous chapter, my primary focus was on the subtle and implicit set of rhetorical techniques employed by the Allied prosecution throughout the course of the Nuremberg Trials (and the concomitant nationwide *denazification* propaganda campaign), in a furtive attempt to sway the West German population away from any lingering fidelity to Nazi ideology and toward embracing Western, neoliberal values. While, in time, the West German *denazification* project proved to be a success, the outcome was dependent, by and large, on the general public’s internalization of Allied charges of “collective complicity” and their ensuing incorporation of this shared sentiment into a newly forming collective postwar identity. The process, in other words, was a slow burn. The “Guilt Question” was introduced by foreign victors, it was initially rejected by the general populace before slowly and hesitantly – it would, in fact, take an entire generation – finding its place at the center of a larger national dialogue. From the public stage of the Nuremberg courtroom, General Taylor called on the German people to wrestle with the question of “collective guilt,” and to

eventually – when the time was right – narrate their own history of the Nazi years, with a degree of self-reflective earnestness.

This was not the case with the *Nunca Más* report.

The “Two Demons” narrative did not penetrate the collective Argentine psyche slowly, or gradually. It was not the product of a cautious and measured national discourse that steadily played-out in newspapers and on television, nor in public forums or town halls. The Argentine people did not fold the “equal blame” hypothesis gently into the shared, cultural storytelling fabric of their nation, but rather, had it thrust upon them in a single, remarkable cultural moment. Prior to the unveiling of the *Nunca Más* report, the “Two Demons” thesis had never before cropped up in a novel here, nor a poem or song there. Instead, it appeared readymade, as a fully fleshed-out and sensational story in the immediate aftermath of the horrific violence of the *Proceso*. From the skilled hands of a celebrated crime novelist, Argentina’s most violent shared trauma was immediately reflected back to its people in the form of a graphic, morally-laden fable that few people recognized, yet many wanted to believe.

As mentioned above, John Hersey once famously declared that a community’s shared knowledge of historical events is, more often than not, shaped by historical novels as opposed to conventional histories and journalistic reporting. One rationale for this thought is that great novels – Tolstoy’s *War and Peace*, for instance, or Stephen Crane’s *The Red Badge of Courage* – benefit from the privilege of posterity. As the vicissitudes of lived-memories fade, a single, stable narrative endures. The latter, in other words, replaces the former. The Bezukhovs and Rostovs stand-in for all Russians, furnishing the nation’s collective psyche with a mnemonic facsimile that approximates – even incorporates – the individual lived-memories, which continue to recede in the evanescence of time. This process, which Hersey

so astutely describes, is therefore dependent on the *larghetto* of time, a necessary distance between what Hegel calls *res gestae* [the historical events] and *historia rerum gestarum* [the “narration” of those event]. Tolstoy published *War and Peace* fifty-seven years after Napoleon’s invasion of Russia, while Crane’s *The Red Badge of Courage* appeared three decades after the conclusion of the American Civil War. Moreover, it would be many more years before our shared knowledge of those events would be imputed to either novel.

Yet, *Nunca Más* did not emerge in the European or American literary landscape, where the generic boundaries between “history” and “fiction” are so stringently defined (what Eduardo Galeano had earlier referred to as “the frontiers that, according to literature’s customs officers, separate the forms,” 13). Instead, Sábato’s “*Non Comas* book” or “*Nunca Más* novel” – as various European publishers had pre-emptively referred to it – emerged from within a rich Latin American literary landscape, made famous for its fantastical entwining of history and fantasy, and its evocative depictions of the savage dictatorial violence that had ravaged the continent. *Nunca Más*, under Sábato’s direction would express a closer affinity to the uniquely Latin American genre of “Dictator Novels”³² – which often emerged in the very midst of authoritarian violence, in real time³³ – than with Tolstoy’s or Crane’s historical masterpieces.³⁴

Nunca Más – in its “novelistic” rendering of immediate history – was able audaciously to flout any appeal to posterity, because it emerged at a time and place with a long and fascinating history of “novelistic” histories being written *in* and *of* the moment; where poetry and journalism, novels and history, all converged in a logical coalescence of cultural production. In the skilled hands of Sábato, the *Nunca Más* report approached recent history *as fiction*, as though the horrors of the *Proceso* were always already a series of Pirandello-esque scenes and characters awaiting their author.

Just six months after President Alfonsín passed Decree 187, *Nunca Más* bestowed on the general public a compelling historical narrative of the years of terror, suffused with all the captivating qualities of the “suspense novel” for which Sábato was known.

Like his previous novel, *On Heroes and Tombs* (1961),³⁵ *Nunca Más* opens with an evocative and edifying prologue that establishes the moral and political stakes for the remainder of the work.³⁶ Replete with Sábato’s distinctive euphuistic prose and pretentious moralizing, the prologue announces its “Two Demons” thesis in its opening line: “During the 1970s, Argentina was torn by terror from both the extreme right and the far left” (i). He then continues:

This phenomenon was not unique to our country. Italy, for example, has suffered for many years from the heartless attacks of Fascist groups, the Red Brigades, and other similar organizations. Never at any time, however, did that country abandon the principles of law in its fight against these terrorists, and it managed to resolve the problem through the normal courts of law, guaranteeing the accused all their rights of a fair hearing. When Aldo Moro was kidnapped, a member of the security forces suggested to General Della Chiesa that a suspect who apparently knew a lot be tortured. The general replied with the memorable words: ‘Italy can survive the loss of Aldo Moro. It would not survive the introduction of torture.’

The same cannot be said of our country. The armed forces responded to the terrorists’ crimes with a terrorism far worse than the one they were combating, and after 24 March 1976 they could count on the power and impunity of an absolute state, which they misused to abduct, torture and kill thousands of human beings. (*Nunca Más*, “Prologue” i)

Rather than contextualizing the violence of the *Proceso* according to Argentina's long and bloody history of state violence against poor, working class students and workers, Sábato instead likens the *Proceso* to the well-known case in which Italy's former Prime Minister, Aldo Moro, was kidnapped and murdered by a group of communist mercenaries.³⁷ The problem, however, was that the Italian case – which generated an urgent international response from the American government and its many Cold War allies – *did*, in fact, unfold within the context of a left-right revolutionary struggle. The nation, which was governed by a democratically-elected administration at the time, was indeed torn by two opposing guerilla factions – one that had remained faithful to the fascist principles of Mussolini's former *Partito Nazionale Fascista* and the other, the *Brigate Rosse*, who sought to establish a revolutionary communist state through armed struggle. During the 1970s, these two notorious insurrectionary groups engaged in a violent struggle for influence over elected officials, with the climax being the kidnapping and eventual murder of Moro. However, by likening the Argentine situation to the Italian case, Sábato obscures the crucial difference that the *Proceso* began, unfolded, and ended within the context of a brutal and unlawful military dictatorship that was predicated on the very idea of violently suppressing any and all public sympathy for Socialist and anti-Christian values (including support for worker's unions and enrollment in university courses that make mention of any leftist material³⁸).

Unlike Italy, the entire Argentine nation was already subject to the brutal tyranny, violence, and absolute rule of the far-right authoritarian regime, and as such, the suggestion that “[t]he armed forces responded to the [leftist] terrorists’ crimes with a terrorism far worse than the one they were combating” (*Nunca Más*, “Prologue” i) misleadingly implies

both an historical equivalence (several of the counter-authoritarian groups emerged years after the coup) and an evenness of power and influence that simply did not exist.

Within this specious contextual framing, the years of terror under the military juntas would be fixed in the shared memory of Argentinians as a type of Manichean conflict between two extreme and savage groups. The forced disappearances, barbaric torture practices, the systematic rape of thousands of victims, and the unimaginable practice of drugging men, women, and children (some as young as nine years of age) and dumping them into the Río de la Plata were all framed as a series of unfortunate, heavy-handed responses by the military regime who were retaliating against a seemingly equally sinister threat to traditional Argentine values. What the military did has no excuse, the prologue foretells, but they were not the sole actors.

In this light, Sábato's overwrought prologue then establishes the stakes of the CONADEP investigation (as well as the impending trials, which would be founded upon the information uncovered in the *Nunca Más* report) with comparable histrionic flair, suggesting that the nation's very "survival" rests upon the Commission's ability to heal the intense wounds of the previous decade. Ignoring the reality that the 1976 coup was, in fact, the sixth time the military had forcibly and unlawfully seized control of the government in the previous half-century (and that the nation had manage to "survive" each of the previous regime changes), the prologue signals the underlying moral message of Sábato's "Two Demons" hypothesis. Spuriously suggesting that a move toward political centrism and neoliberal temperance – to the exclusion of anything else – will finally and definitively deliver Argentina from its most recent trauma, Sábato adds:

Great catastrophes are always instructive. The tragedy which began with the military dictatorship in March 1976, the most terrible our nation has

ever suffered, will undoubtedly serve to help us understand that it is only democracy which can save a people from horror on this scale, only democracy which can keep and safeguard the sacred, essential rights of man. Only with democracy will we be certain that NEVER AGAIN will events such as these, which have made Argentina so sadly infamous throughout the world, be repeated in our nation. (*Nunca Más*, “Prologue” i)

Like *On Heroes and Tombs* before it, the *Nunca Más* prologue functions as a hermeneutic overture, guiding and informing the rest of the report according to its ominous foretellings. For nakedly didactic writers such as Sábato, the prologue provides an effective method of heralding the political and ethical undertones of a work, while still maintaining the pretense of fictional storytelling (as opposed to reverting to an overt sermonizing or disquisitional tone, as was his preference). A favourite technique of moralizing playwrights such as Marlowe or Shakespeare, the prologue establishes an unimpeachable air of authority, allowing its author to guard against misreadings by alerting his audience to the social and political commentary at the very heart of its narrative.³⁹ As in its early Elizabethan context,⁴⁰ Sábato makes use of the prologue in order to alter the reception of *Nunca Más* in advance by speaking directly to the audience about the work’s underlying moral and political themes.⁴¹

In light of its prologuist foretellings, *Nunca Más* unfolds as an overwrought moral fable, in which the many survivors and witnesses, whose *testimonios* make up the emotional heart of the text, are to be read as the voices of the so-called “leftist terrorists” – whose “terrorism” was met with an even greater terrorism by the state.

As a paratext to *Nunca Más* – existing apart from it, yet providing a critical commentary or hermeneutic blueprint *for* it – the prologue also establishes Sábato as uniquely qualified authority on the horrors of the *Proceso*. As Gerard Genette suggests, the prologue operates as “a fringe of the printed text which, in reality, controls one’s whole reading of the text” and exerts a commanding “influence on the public, an influence that ... is at the service of a better reception for the text and a more pertinent reading of it” (*Paratexts* 2). To the extent that the prologue exerts considerable “influence on the public” – persuading readers to interpret the text’s themes and messages in a precise way – it is a consummate Aristotelian rhetorical device through which Sábato is able to craft his “Two Demons” narrative.⁴² It is that rare literary device, in other words, that allows its author to address all three of the primary Classical elements of rhetorical persuasion, at once: a) by appealing to the emotional and psychological makeup of Sábato’s “Audience” (those supposedly “innocent” and unimpeachable Argentinians who have been “victimized” by the violence of the left and the right); b) exploiting the specific contextual “moment and place” (*Kairos*) in which the argument is being made (the immediate aftermath of the horrors of the *Proceso*); and c) all the while laying the foundations for an engaging literary “style” (*To Prepon*) with which the “Two Demons” narrative will be clothed (the interweaving of the individual *testimonios* into Sábato’s overarching meditation on the “spirit of terror” that gripped the nation).

Lastly, upon establishing the moral and political framework through which the remainder of the report is intended to be read, Sábato then goes out of his way to exonerate the majority of the Argentine public from the horrors that marked society. Argentina, as a whole, is depicted as a collective of external observers of the terror, innocent of any involvement in the so-called “guerrilla terrorism” (*Nunca Más*, “Prologue” i) or of the brutal

state violence. The prologue therefore proposes a “we” that took no part in the brutality and is, therefore, unburdened from any moral culpability or criminal guilt. In so doing, Sábato establishes an intimate bond with his readers, categorizing them amongst the “innocent” and “vulnerable” multitude, thereby further separating them from the victims and survivors whose individual *testimonios* make up the bulk of the report.

As Daniel Feierstein and Douglas Town note, “[t]he hegemonic vision that emerged [from the *Nunca Más* prologue] was one of an ‘innocent’ society caught between two opposing types of violence: left-wing ‘terrorist’ violence and the repressive state violence carried out mostly by the armed forces” (140). Just as many Germans claimed following the end of World War II, within the purview of this “Two Demons” thesis, the collective inaction of large swathes of bystanders could therefore be justified as a matter of survival. One could argue that this separation of society – not only from the violence, but also from the criminal and ethical accountability *for* the violence – was precisely why the *Nunca Más* vision was so widely corroborated by the general public. The notion of “collective victimization” (as opposed to the “collective guilt” imposed by the Nuremberg narrative) appealed the moral sensibilities of many Argentinians with the thought that everybody, with the exception of left-wing “terrorists” and right-wing “fascists,” had been a victim. As Feierstein writes:

One could argue that this alienation of society as a whole from the genocide in which it was involved, and which everybody participated, in one way or another – as perpetrators, accomplices, passive bystanders, or victims – was precisely why this [“Two Demons”] vision achieved such a broad consensus. The notion of ‘collective victimization’ soothed the consciences of many Argentinians with the thought that everybody (with the exception of

left and right ‘terrorist groups’) had been a victim and so nobody needed to question his or her role in the genocide. (Feierstein 141)

However, by unconditionally separating the whole of society from the supposed primary actors of the “Dirty War,”⁴³ Sábato not only reiterates the erroneous hegemonic vision of an innocent society caught between two savage combatants; he also reinforces the idea that a majority of this supposedly “innocent” collective were oblivious to the heinous, inhuman violence that had taken place across the country, often in full public view.⁴⁴ Of course, as the individual *testimonios* illustrate, this assertion was categorically false. As Sábato points out in the “Prologue”: “The abductions were precisely organized operations, sometimes occurring at the victim’s place of work, sometimes in the street in broad daylight. They involved the open deployment of military personnel, who were given a free hand by the local police stations” (*Nunca Más* i). Still, by insinuating that a large swathe of his audience remained at best incredulous, and at worst oblivious to the gruesome facts and details of the violence, Sábato accomplishes two crucial functions. Firstly, he establishes *Nunca Más* as *event* – as the necessary occasion in which the entire nation is simultaneously called upon to collectively reckon with the murder, torture, rape, and disappearance of tens of thousands of their fellow citizens. Secondly – and most importantly from a narrative and rhetorical perspective – Sábato also establishes the hermeneutic framework for how his readers are meant to negotiate the report’s dual narrative threads.

By absolving the majority of the Argentine public, and thereby insinuating their collective ignorance, Sábato therefore establishes himself (and his overarching central plotline) as a permanent narrative intermediary; an ostensible middleman who will, in the forthcoming pages of the report, introduce the victim-stories *to* the reader. Insofar as the

reader is constituted as an unknowing victim – naïve and unknowledgeable about the brutal details of the murders and disappearances – Sábato’s presumed “authority” on the subject is therefore *required* in order for the public to fully grasp the momentousness of the trauma. In this way, Sábato lays the foundations for an interpretive paradigm, in which the thousands of victim-testimonies that CONADEP had collected would fold neatly into his preordained “equal blame” hypothesis. While the individual case-studies would propel the drama and action of the report, Sábato’s prologue and overarching narrative would be free to “establish the report’s master narrative with its unflinching and sometimes contentious tone” (Phelps 85).

Sábato then establishes the report’s impending narrative framework in the first section, inauspiciously titled “The Repression,” in which the individual *testimonios* punctuate his overarching “spiritual” commentary as a series of Sheherazade-esque stories-within-a-story. Each section consists of an introduction to one element of the violence – “Abduction,” “Torture,” “Extermination,” “Impunity” – in which Sábato provides a haughty meditation on the nature of each crime and recapitulates the overall “equal blame” explanation for the terror, while individual excerpts from victim depositions punctuate his framing-device with lurid depictions of the state’s “excessive measures” (*Nunca Más*, “Prologue” i). While Sábato provides *Nunca Más* with the all-engrossing, primary historical narrative of the military violence in a detached, third-person, past-tense voice, it is the personal, first person narratives of real-life victims that inject *Nunca Más* with an authentic sense of personal suffering. Sábato’s frame-narrative, which extends the authoritative and euphuistic locutionary tone of the previous “prologue,” therefore contextualizes each of the *testimonios*, presenting them with haughty, often condescending, moralizing commentary⁴⁵ and introducing each of the victims according to their name, age, and often, job (which serve as

cunning class and political markers to reinforce the “Two Demons” theory. An entire section, for instance, is dedicated to disappeared “Trade Unionists,” which the dictatorship had characterized as a “terrorist” profession).

In a masterful opening gesture, Sábato sets the parallel narratives apart from one another with the ominous forewarning that, “Many of the events described in this report will be hard to believe” (*Nunca Más* 9).⁴⁶ With this opening injunction, Sábato establishes a hierarchy of truthfulness between his overarching historical explanations of the violence and the first-hand *testimonios* by supposed “leftist terrorists.”

While the prologue’s “rhetoric of authority” established Sábato as a uniquely informed and qualified commentator on the horrors of the *Proceso* – having collected “several thousand statements and testimonies,” verified or established “the existence of hundreds of secret detention centres,” and compiled “over 50,000 pages of documentation” (*Nunca Más*, “Prologue” i) – the individual testimonial episodes are instead characterized as “hard to believe” and “open to question” (*Nunca Más* 2). The emotionally charged victim-testimonies are therefore portrayed as subsidiary to Sábato’s overarching explanatory narrative, simply meant to authenticate his controversial Manichean narrative.⁴⁷

At times, in fact, (and despite the opening exhortation that “Many of the events described in this report will be hard to believe”) the Commission felt that certain *particularly gruesome* acts were so inconceivably obscene that they might cast an air of suspicion upon the entire scope of the investigations.⁴⁸ According to a press release put out by Secretary of Legal Affairs, Alberto Mansur, and Secretary of Procedures, Raúl Aragón, the Commission admitted that they had refrained from including certain cases from the report for fear that their particularly excessive savagery would render the *Nunca Más* report *too* unbelievable. As Mansur and Aragón note, “the Commission members decided to exclude certain acts – such

as the skinning of prisoners while they were still alive and the raping of one female prisoner by dozens of soldiers, which continued even after she was dead – as they felt that their extreme cruelty rendered them implausible and would compromise the credibility of the entire report in the eyes of the population” (Crenzel, *The Memory* 67).⁴⁹

Nonetheless, by pointing to specific isolated “events” described in the victim *testimonios* as the sole object of potential incredulity (to the exclusion of everything else) – and suggesting that that they are to be read with a separate degree of readerly suspicion – Sábato ostensibly shields his central historical narrative from such readerly suspicion, while subjecting the detail-oriented case-files to a more compromising degree of scepticism.⁵⁰ The reader is tacitly instructed to read Sábato’s central narrative as a sincere and candid depiction of the “spirit” of terror, while it is acknowledged that the individual case studies are somewhat vulnerable to the vagaries of survivor-testimony.⁵¹ In other words, Sábato’s pretentious and moralizing “expository” plotline is set-up to be read passively and respectfully – as a philosophical or political treatise might be – while the *testimonio* plotline is to be read novelistically – as one would, a work of fiction.⁵²

While Sábato’s wider historical narrative provides readers with a sense of omniscience by placing us in a present, post-“Dirty War,” backward-looking viewpoint – “The first act in the drama of disappearance,” he explains, “began with the sudden bursting into their homes of the groups responsible for the abduction” (11) – the first-person testimonies wrench readers back into the limited, real-time perspective of victims as they experienced their horrendous persecution at the hands of the military:

I was tortured both in Arana and in Bánfield. In Arana they applied the electric prod to my mouth, my gums and my genitals. They even tore a nail off one of my toes with tweezers.

In Bánfield they did not use electric prods on me any more, but I was beaten with sticks and pricked with needles. It was common not to eat for several days. And for long periods they tied me up with a rope round my neck. [Nunca Más 320]

Unlike Sábato's omniscient narrator, whose overarching narrative benefits from the clarity of hindsight and the detailed findings of the investigations, each individual *testimonio* is instead bound by the immediacy of the victim's circumstances – the first-person testimonies are saturated by the unknown, by the dread and foreboding of someone confined within a dark, isolated prison cell. In contrast to the central narrative, the *testimonios* are therefore based entirely on conjecture and guesswork – as each victim anxiously awaits news of their loved-ones – thus elevating their novelistic feel.

The artful juxtaposition of these two contrasting narratives allows Sábato to take up a more grandiloquent didactic prose-style within the overarching historical narrative, while the victims describe the brutal techniques employed by the military dictatorship in stark, methodical detail, meant to substantiate Sábato's "Two Demons" thesis. Whereas the individual *testimonios* are constituted by a clinical, austere tone that is strictly functional in its articulation of the crimes, Sábato's descriptive language is, on the other hand, at times metaphysical, perhaps even bordering on liturgical, in its illustration of the general "spirit of terror" within which the crimes were committed. This unmistakable difference in prose-styles, between the case-stories and the central overarching narrative, gives rise to a striking readerly experience in which readers are ushered between contrasting locutionary tones, with each tone invoking its own respective mood and feel.

Whereas the austere and unadorned descriptive language of the victim-testimony is often numbing in its repetitive, mechanical inventorying of the appalling crimes, the lyrical

inflection of the main narrative, on the other hand, offers a much-needed form of respite for the reader. In this way, the two narrative threads interact with and against one another to mitigate any sort of empathetic fatigue, providing alternating moments of respite from the horrors of the testimony. While the *testimonio* narrative-thread horrifies and outrages its readers, Sábato's high-handed didacticism distracts; giving rise to a throbbing, melancholic rhythm in which the author's underlying "lessons" unfold in varying intervals of severity, ultimately offering a modest form of emotional reprieve from the endless clinical descriptions of sheer wretchedness.

On the one hand, the individual case-files repeatedly feature stark, utilitarian descriptive language. For instance, in Dr. Norberto Liwsky's (file No. 7397) testimonial account, as in nearly all others found within *Nunca Más*, the descriptive language stands in direct and abrupt contrast to the lyrical style of Sábato's central narrative. Instead, the harrowing statements of torture and rape are communicated in cold, solemnly restrained language.⁵³

For days they applied electric shocks to my gums, nipples, genitals, abdomen and ears... They then began to beat me systematically and rhythmically with wooden sticks on my back, the backs of my thighs, my calves and the soles of my feet... In between torture sessions they left me hanging by my arms from hooks fixed in the wall of the cell where they had thrown me [...] At one point when I was face-down on the torture table, they lifted my head then removed my blindfold to show me a bloodstained rag [...] they told me it was a pair of my wife's knickers. No other explanation was given. [...] On two or three occasions they also burnt me with a metal instrument. One day they put me face-down on the torture table, tied me up [...] and began to strip the skin from the soles of my feet [...]

In the midst of all this ...they tied me up and began to torture my testicles. Another day they took me out of my cell and, despite my swollen testicles, placed me face-down again. They tied me up and raped me slowly and deliberately by introducing a metal object into my anus. They then passed an electric current through the object. (Nunca Más 22-23)

On the other hand – in direct contrast to the laconic, desolate prose of the victim-statements – Sábato provides a much more vivid portrayal of the “general atmosphere” of the disappearances in the central narrative, around which the depositions are peppered.⁵⁴ Indulging in certain rhetorical liberties, Sábato provides lyrical meditations on each of the graphic testimonial episodes– embellishing, dramatizing, and drawing melancholic analogies to otherworldly imagery – for instance, imagining a mythical Hadean scene in one particularly rhapsodic excerpt: “The victims were then taken to a chamber over whose doorway might well have been inscribed the words Dante read on the gates of Hell: ‘*Abandon hope, all ye who enter here*’” (*Nunca Más* 3). Such arresting lyrical embroidery – which would not be uncommon in one of Sábato’s novels, but is comparatively out of keeping with a traditional judicial report – illustrates the type of rhetorical latitude with which the overarching historical narrative is fashioned.

As a consequence of this vacillation between an all-knowing narrator and the individual victims’ limited points of view, *Nunca Más* creates an entrancing bond of empathy between the victims and readers, drawing us into the terrifying lived-moments of personal anguish and suspense, before nudging us back out to the present, post-dictatorship moment. Mindful of the redundancy of so many cases, Sábato’s central narrator occasionally foregoes a lengthy set-up and simply allows the nearness of the victims’ circumstances to carry the emotional weight of the report. At one point, Sábato’s omniscient narrator starkly informs

us: “With the testimony of Carlos Hugo Basso (file No. 7725), we return to the now notorious La Perla and La Ribera camps. Basso was abducted on 10 November 1976 in the Alto Alberti district of the town of Córdoba. Following the usual procedure, with blows and a journey on the floor of a car under his captors’ feet, they arrived at the secret detention center” (38). The abbreviated narration simply sets the stage for what then amounts to a type of testimonial monologue by the victim, himself:

They opened the door, which, from the noise it made, was probably metal. One of those taking me warned me that I was shortly to meet the ‘Priest,’ who would be in charge of ‘taking my confession.’ This person they called ‘Priest’ must have been quite big, since as soon as I went in, he grabbed me by the sides and lifted me in the air... They undressed me and tied my hands and feet to a metal bed-frame they called a ‘grill’ [the original Spanish report uses the word “Asado,” the traditional Argentine celebration in which men gather for a barbeque]. For what must have been an hour, they applied electric currents to the most sensitive parts of my body: genitals, hips, knees, neck, gums. Afterwards, somebody applied a stethoscope to my chest and they untied me. I found I couldn’t walk, but they dragged me 20 or 30 metres to a mattress in a large room against a wall where I remained until the following day. (Nunca Más 38)

Set apart from Sábato’s often effusive and lyrical counter-narrative, these spine-chilling scenes accentuate presumed ideological distance between “ordinary” Argentinians and the actors on “both sides” of the violence. Sábato’s cool, sophisticated, and rational condemnation of the grotesque, un-censored violence heightens the perceived gap between the supposedly “innocent” world of the everyday reader, and the sinister world of the two Demons. Within the purview of the overarching “equal blame” thesis, readers are tempted

to imagine the equivalent violence that the so-called “leftist terrorist” might have enacted upon their military adversaries, inviting imaginary reversals of the graphic accounts of victims having their fingernails and teeth violently ripped from them, of flayings, and brutal descriptions of anal and vaginal rape.

Contrary to Meijide’s and Labrune’s proposal, Sábato took exception to the idea of describing the horrifying crimes in terms of impersonal tables, indexes, and statistics. Instead, Sábato envisioned the report as an attempt to “honour” the victims by presenting a realistic and uncensored account of the “perverse imagination” with which their brutal tortures were devised (*Nunca Más* 20). The report, under Sábato’s supervision, centered on uncensored, “vivid accounts” of the crimes, highlighted by “testimonies, photographs, and descriptions of *exemplary* cases” (Crenzel, *The Memory* 66). “In drawing up this report,” Sábato’s omniscient narrator confesses, “we wondered about the best way to deal with the theme [of torture] so that this chapter did not turn into merely an encyclopedia of horror” (*Nunca Más* 20). By centering the report on the personal narratives of real-life victims, Sábato aimed to illuminate the individual human beings who were caught up *in* what he called, “an immense display of the most degrading and indescribable acts of degradation,” believing this would “give the report a unique narrative strength that would ground its credibility and its chances of reaching a mass readership” (Crenzel, *The Memory* 66).⁵⁵

Rather than encumbering the reader with a dry, impersonal index of unnamed victims or expostulating about the “moral failures” of the State in abstract, lachrymose language as the *Nuremberg Report* had – alluding to the Holocaust abstractly as a “terrible engine of destruction” (101) that destroyed “the lives of countless millions” (135) – Sábato and his team instead opted to present their victims individually, in “a domestic and familiar light” (Crenzel, *The Memory* 82). Victims would be introduced by their full name, occupation,

and hometown, and would tell their stories in their own voice. In this way, Sábato appealed to the novelistic form, by introducing his victims as though they were fully-developed characters in a novel, whose plot-lines converge and intersect with one another as they meet in clandestine prison-cells or by family members searching for their own loved ones.

In part, this “novelistic” style was a result of the peculiar set of circumstances and restrictions faced by the Commission throughout the course of their investigations. Upon collecting tens of thousands of depositions from survivors, “for eight hours a day, from Monday to Friday” (*Nunca Más* 431) – both at their headquarters in downtown Buenos Aires, as well as having representatives travel “the countryside to collect stories from people in remote regions” (*Nunca Más* 431), and even travelling to Uruguay, Peru, Mexico, and Spain to hear from those in exile – the Commissioners were then faced with the Herculean assignment of cross-referencing and fact-checking the tens of thousands of *testimonios* they had gathered.

Each deposition received “a number, corresponding to a file of supporting material – newspaper clippings, letters to loved ones, ...and anything else that would help the Commission verify and validate the details of the story told” (*Nunca Más* 431). However, owing to a dearth of secondary materials, the most effective method of corroborating the testimonies was to cross-reference them with one-another: arranging depositions according to date of disappearance and location of captivity, if known, and then searching individual testimonies for any mention of other victims with the same designation (Crenzel, *The Memory* 49). If two or more survivors testified to having been incarcerated at the same time and location, their depositions were surveyed for any mention of having seen or interacted with one another. In this way, “evidence was pieced together from the testimony of different survivors, whenever they coincided in certain details, such as the names used to refer to the

area or location of a clandestine center, its personnel, or other prisoners” (Crenzel, *The Memory* 49). “Because of its heterogeneity,” Emilio Crenzel recalls, “these testimonies [those that successfully verified the whereabouts of other victims] were instrumental in expanding evidence, confirming other testimonies, and generating new ones” (*The Memory* 49).

While this method of corroborating testimonies would prove highly effective for the Commissioners, it also inadvertently contributed to the “novelistic” style that Sábato had envisioned for the report. In addition to expediting the Commission’s efforts to substantiate individual testimonies, this strategy also provides *Nunca Más* with its narrative scaffolding, depicting a shadowy web of detainees being shuffled from one clandestine prison to another, crossing paths in dark prison-cells and helping one another pass information to comrades and loved ones back home.

This was the case with Monsignor Enrique Angelelli, a well-known Bishop of the Diocese of La Rioja, who had allegedly died in a car accident mere hours after publicly denouncing the military in August, 1976. Despite the Bishop having been involved in a car accident, his body and briefcase (which contained letters to the Archbishop regarding the persecution of local “left-sympathizing” priests) were never recovered from the scene, leading the Commissioners to conclude that his death was, in fact, “a brutal assassination” by the regime (*NM* 350). Despite the high profile nature of Angelelli’s case at the time, the investigators were unable to confirm the fate of the Bishop; that is, until a fortuitous encounter with a seemingly unrelated victim, journalist Plutarco Antonio Schaller (File No. 4952), who had been abducted that same year because of his work with the left-leaning newspaper *El Independiente*. As Schaller recalls:

During one of the interrogations [at a clandestine prison in Cordoba], Captain Marcó and Captain Goenaga told me that the Bishop of La Rioja would be killed.... In August of the

same year, because of my poor physical state as a result of tortures, I was transferred to the Presidente Plaza Hospital. While I was there, the body of Angelelli was brought in one night for a series of autopsies. The people who were guarding me, members of the Provincial Police, alluding to the death of the Bishop, said things like 'this had to happen to this communist priest son of a bitch.' (*Nunca Más* 352)

Although Schaller and Angelelli's entire relationship consisted of a brief coincidental encounter – a momentary glimpse of the Bishop's corpse and an overheard admission by his murderers – their individual plot lines become indelibly intertwined in the *Nunca Más* report to great dramatic effect.

Capitalizing on the fortuitous effect of this fact-checking method, Sábato shrewdly allows the energies of suspense and anticipation to become the key dynamics that drive the *Nunca Más* narrative, when the continuation of one character's story is delayed until their fate is revealed through the testimony of another character. By forcing readers to wait to find out whether a particular victim is saved or not, Sábato is able to create new forms of subjectivity for his victims by delaying the progression of the story through the transference of fear and tension onto the reader.⁵⁶ This technique is further heightened by the introductory exhortation that many of the victims were “still missing” at the time of publication, although “some have been seen in secret detention centres” (*Nunca Más* 284). The trenchant immediacy of the narrative – rooted in the knowledge that many of the real-life characters within the report were still being searched for by the Commissioners – therefore draws its readers into the unpredictable, threatening world of Sábato's literary imagination. By centering much of the action on those cases that were still open at the time of publication, characters and readers shared an ongoing sense of uncertainty about the future, encapsulated

and accentuated by Sábato's masterful employment of the cliffhanging pause and the dramatic increasing or decreasing of pace.

As a result of favoring those testimonies that revolve around such chance-encounters, the narrative structure of the report reads more like a deliberately contrived novel, in which characters are slowly developed independently of one another before various narrative threads come together in a climactic *dénouement*. Not unlike the multiple narrative structures of William Faulkner's *As I Lay Dying* or George Eliot's *Middlemarch*, *Nunca Más* cleverly interweaves multiple loosely parallel stories, engendering propulsive narrative tensions and deliberately foreshadowing the fates of unrelated victims. As survivors catch brief glimpses of other *desaparecidos*, or recall the distinctive sounds of church-bells outside their cell walls or the sweet smell of candy in the air – for instance, the Fronterita Detention Camp was located only three hundred metres from the local Sugar Mill – perceptive readers begin to place them at the locations previously described by other victims, in their own respective storylines.

At other times, it is the torturers who serve as the narrative links between multiple victims' plotlines. As the Commissioners discovered throughout the course of their investigations, perpetrators would often assign one another “nicknames” in an attempt to conceal their true identities from their victims⁵⁷ (many of whom were often kept blindfolded or “hooded” throughout the course of their internment). The perpetrator's nicknames thus became verbal masks, meant to shield their true identities from their targets, which, when repeated within the pages of *Nunca Más*, also serve to heighten the literariness of the narrative.

While recording victim depositions across the country, Commissioners quickly discovered that many survivors were determined to name their torturers or otherwise

describe them in as much detail as possible. In addition to this testimonial “outing,” several members of the human rights groups who had been assisting the depositions department set about “selecting the testimonies that identified the greatest number of perpetrators by name” (Crenzel, *The Memory* 69). This testimonial unmasking led to what some Commission members referred to as “a new narration problem: the presentation of the accused” in the report (*The Memory* 68). Bearing in mind that the “Two Demons” approach was largely predicated on an effort to mollify members of the armed forces – to shield them from scorn and humiliation, so as to maintain a degree of amity between the new democratic State and its military – the public naming-of-names threatened to neutralize the reconciliatory effect of the entire process. As noted by Crenzel, after rumors began circulating in early 1984 that “the report would include a list of individuals responsible for the disappearances” – which resulted in discernable “unrest in military circles” (*The Memory* 68) – Sábato was faced with another important narrative decision. Either *Nunca Más* would risk humiliating members of the armed forces⁵⁸ – conceivably provoking members of *Los Carapintadas* into another violent military uprising – or redact the names from the *testimonios* altogether, which, as Sábato acknowledged, would inevitably lead to readerly mistrust of both the report and its authors. Based on the threat of the former, “the commission had initially decided not to identify the perpetrators, omitting their names entirely” (Crenzel, *The Memory* 68). However, when news that the perpetrators’ names would be concealed was leaked to the press, the Commission faced intense public outcry: Senate leader Vicente Saadi, from the left-wing Péronist Party, demanded that CONADEP release the names (Crenzel, *The Memory* 68), while Supreme Court justice Ricardo Colombres declared that “there were no legal reasons for excluding the names,” especially if it were “the witnesses who named them” (Crenzel, *The Memory* 69).

In the end, the Commission settled on a clever solution to the problem. While the report would identify the names of border guards, small-town police or security officers, and members of the penitentiary service, when it came to military or navy officers, Sábato and his co-authors would favour those testimonies that depicted them by their nicknames.

However, an unintentional consequence of this approach is the “novelistic” or “cinematic” effect the nicknames have on the narrative. Protagonists referred to as “The Snake,” “Potbelly,” or “The Judge” read more like characters in a popular pulp magazine than an imperious human rights report, evoking the aliases and monikers of famous real-life criminals or echoes of nineteenth-century *gaucho* stories.

In a literary context, the imposition of a deprecatory nickname can often identify a character as an archetypal scapegoat or anti-villain figure, and is an efficient method of typifying secondary characters – like “the Kid” or “the Slasher” in Borges’ *gaucho* story “Streetcorner Man” (1935) – since it projects a precise visual image that assists in the reader’s immediate recognition of the figure in question.

Within the pages of *Nunca Más*, the use of nicknames work to locate victims with no apparent connection to one another within a particular time and place. When survivors allude to their mutual torturers by the nicknames that members of the police and military forces had playfully given one another – such as, “Blondie,” “Potbelly,” “Dummy,” (25)⁵⁹ or “La Negra” (47), each of whom are identified by their victims according to their particular brand of ruthlessness – they bring the report’s *dramatis personae* to life. For instance, both Dr. Norbert Liwsky (File No. 7397) (*Nunca Más* 25) and Lidia Esther Biscarte (File No. 5604) (*Nunca Más* 44) recall being brutally abused by a torturer referred to as the “Snake” (*Vibora*), while others make mention of “the ‘female voice,’” who is variously described as “a well-

known officer of the *Gendarmeria* who spoke in *falsetto* and [who would] stroke one's testicles in anticipation of his task" (*Nunca Más* 31).

By presenting its real-life subjects as fully developed and often recurring characters in the drama of the *Proceso*, *Nunca Más* establishes an air of familiarity between the reader and victims. When readers are introduced to a pair of torturers nicknamed "the German" (44) and "the Spaniard" (45), for instance – the former known for "stick[ing] a length of pipe" in his victims' anuses, while the latter would then "rescue" his partner's victims in order to "talk" (code for coercing them into giving up the whereabouts of family members) – the astute reader then brings to mind an earlier testimony, in which a torturer named "The Frenchman" operated with a nearly identical *modus operandi* at the same detention camp. Through the convergence and intersection of these individual plot lines, readers associate the victim-testimonies featuring "the German," "the Spaniard," and "the Frenchman," gradually piecing together a harrowing depiction of an intricate system of oppression. The nicknames – like the report's unforeseen emphasis on chance-encounters – inadvertently adds depth and mystery to the *Nunca Más* narrative by presuming a backstory to these "characters," thereby contributing to the unique world-building nature of its historical narrative.⁶⁰

Ernesto Sábato and the Triumph of the *Nunca Más* Narrative:

While it was clear that readers' assumptions about *Nunca Más* were drastically influenced by his involvement, Sábato deftly lived up to these expectations by employing his considerable literary artistry, injecting *Nunca Más* with the same narrative richness that his readers expected from his many fictional works. Indeed, *Nunca Más* proved to be one of Sábato's most successful works insofar as it presented the general public with a suspenseful

historical narrative of the so-called “Dirty War” that was suffused with all the narrative depth of his earlier crime novels. Only, this story was presented as *the* official, fixed, and “Truthful” version of recent Argentine history,⁶¹ as validated by the nation’s highest court.

Owing to the success with which Sábato was able to imbue the report with his characteristic literary flair, *Nunca Más* was a massive cultural success, both within and beyond Argentina. Paving the way for the similar literary success of other subsequent truth commission reports,⁶² *Nunca Más*’s dramatic structure transformed the way that government reports would recast the mnemonic landscape of post-transitional societies.

Upon its publication, *Nunca Más* was not only an instant bestseller – with its first run of forty-thousand copies selling out in two days (Crenzel, *The Memory* 97) – it was an outright cultural phenomenon.⁶³ As historian Tulio Halperin Donghi remembers, it was common to spot thousands of Argentine men and women carrying the report with them on buses, subways, in restaurants, and cafés immediately following its publication. Particularly, he notes, “[it] became the favourite reading of hordes of (Argentine) tourists who converged on Mar del Plata during the summer, making copies of the *Informe* as much a part of the beach scene as bottles of suntan lotion” (Graziano 50).

Nunca Más was a ubiquitous presence throughout the entire country, immediately spawning dozens of translations, several televised political debates based on its findings, a host of tendentious artistic interpretations (most notably León Ferrari’s collage and oil renderings of the report), two feature films within the first year of its publication [Luis Penzo’s Oscar-winning *La Historia Oficial* and Héctor Olivera’s *La Noche de los Lápices* (“The Night of the Long Pencils”)], and a widely viewed television-documentary version of the *Nunca Más* report. “On the night it aired,” Emilio Crenzel notes, “the [documentary] program had the highest rating in the country, with 1,640,000 viewers, more than the

combined audience of all the other programs on the same time slot” (Crenzel, *The Memory* 63). The immense success and popularity of the *Nunca Más* report – both the hardcopy version and the television-documentary – would ultimately demonstrate to the world that the history-writing aspect of the transitional justice process could be much more instrumental in the “truth-seeking” and “justice-making” endeavors of transitional governments than the ostentatious staging of public trials.

Dominating both the public and private lives of Argentinians and eliciting daily op-eds, and nightly news features, *Nunca Más* had at long last provided the Argentine public with a long-yearned-for sense of clarity and emotional release after nearly a decade of horror. But the report was also something else – it was gripping! The compelling narrative style of *Nunca Más* made it read more like a lurid suspense novel than a typically didactic legal report, aided by Sábato’s distinctive literary talents, which provided the report with a particularly engrossing dramatic structure. As an official government report that aimed to summarize years of terror and brutality into a single transparent narrative, *Nunca Más* achieved what most traditional administrative or legal texts before it had failed to achieve: people actually wanted to read it.

The “Two-Demons” Narrative of *Nunca Más*:

The problem, however, was that Sábato’s grippingly novelistic narrative, encapsulated by his infamous prologue, told a version of events that very few Argentinians actually recognized. Despite the regime’s claims that they only pursued “members of political organizations who carried out acts of terrorism” (*NM* 448), the vast majority of victims never had any links to such activity, but were nevertheless subjected to horrific torture because they opposed the military dictatorship. Spurious criminal charges of “terrorist

activities” were trumped-up and leveled against anyone who dared to challenge the violence and tyranny of the regime, many of which – despite having been withdrawn, dismissed, or conditionally stayed after the return to democracy – still remain to this day on the victims’ personal records. In addition to the immediate threat of torture and disappearance, these charges also provoked a great deal of public humiliation for the families of those branded as “traitors to the fatherland,” “Marxist-Leninist atheists,” and “enemies of Western, Christian values” (*Nunca Más* 4) by the governing regime. However, despite the Commissioners of CONADEP discovering that the vast majority of these criminal charges were entirely unfounded, the *Nunca Más* report reproduced the dictatorship’s victim-blaming strategy – and the concomitant humiliation that coincided with being branded a “terrorist criminal” – while also giving credence to the misleading pretense that they were engaged in a legitimate “Dirty War” with a group of equally-matched and willing combatants.

Nearly all of the victims whose testimonies form the individual “case-files” in the report had been accused by the regime of having certain “associations” with ultra-leftist guerilla groups, including Dr. Liwsky. Of course, it would later be proved that Liwsky, who was in fact a simple pharmacist, *did not* have any ties to any radical guerilla organizations. Nor did most other victims, like Jacobo Chester, who was an employee of the Department of Statistics and Hospital Registration at the Posadas National Hospital in Buenos Aires. Nonetheless, these public accusations served to openly discredit the victims at the time and validate the extreme cruelty of the junta as they waged their supposed “Dirty War” against so-called radical terrorists. General Reynaldo Bignone – the last dictator of the juntas before the transition to democracy in 1983 – had publicly accused Chester, like Dr. Liwsky before him, of being a so-called “radical leftist.” Although nearly all of these charges have since been dismissed, the fact that the *Nunca Más* report predominantly features testimony from

only those individuals who had been publicly branded as “radicals” at the time of the repression paints a reductively dualistic portrait of the years of terror. By giving the impression that nearly all of the victims (whose depositions form the “case-story” vignettes) were individuals who had been formally accused of being “radical leftists,” the report raises the reader’s suspicions and affirms what has since come to be known as the *Dos Demonios* (“Two Demons”) narrative.

While Sábato does briefly acknowledge that “the vast majority of (victims) were innocent not only of any acts of terrorism, but even of belonging to the fighting units of the guerrilla organizations,” he nevertheless focuses the narrative attention on the latter, who – in his words – “chose to fight it out, and either died in shootouts or committed suicide before they could be captured. Few [guerillas] were alive by the time they were in the hands of the repressive forces” (*Nunca Más* 4). Although the “Two Demons” theory is explicitly undermined at the end of the report – on the second-to-last page of *Nunca Más* (quite literally, page 448 of 449) – the overall narrative of the report (especially Sábato’s celebrated prologue) otherwise perpetuates this deeply troubling interpretation of events.⁶⁴

As M.F. Carmody notes, while *Nunca Más*’ overall “Two Demons” narrative was contested by several human rights groups, “its essence was broadly accepted within Argentine society, evidenced by the popular [post-*Nunca Más*] phrase ‘*algo habrán hecho*’ (“They must have done something”), used to explain a person’s disappearance or apprehension at the hands of the military state” (13). The “Two Demons” theory perpetuated the military’s insistence that their horrific system of violence was predicated on the existence of an all-out war between two equally responsible sides, even if the definition of a “terrorist” was drastically exaggerated in order to justify the “Two Demons” narrative.

“Framed in this way,” Carmody notes, “*Nunca Más* presented the story of the recent past to the Argentine public, where it was widely consumed” (13).

However, the political and cultural landscape of Argentina in the years leading up to and during the *Proceso de Reorganización Nacional* was much more complex than Sábato’s version of the *Nunca Más* report implied. What occurred in Argentina was, in fact, the result of a highly labyrinthine constellation of both domestic and foreign socio-political and economic factors, which unfolded within the general landscape of the Cold War and within the specific context of Operations Condor and Charly, as overseen by the Johnson, Nixon, and Ford administrations. What it was certainly not, in any case, was a straightforward Manichean confrontation between two unassuming militant factions.

The *Nunca Más* report makes no effort, however, to place the violence of the “Process of National Reorganization” into its proper historical context, and no explanation of the root causes of the repression were given. By ignoring the surfeit of socio-political and economic events leading up to the 1976 coup, the report merely portrays the disappearances and violence as a product of the emergence of an unprecedented cabal of “terrorists” and an equally sinister “military State” which “misused [its] power and impunity to [respond] to the terrorists’ crimes with a terrorism far worse than the one they were combating” (1).

Whitewashing the deep-rooted political and class divisions as well as the toxic *machismo* chauvinism which provoked much of the violence that marked Argentine society for decades leading up to the 1976 coup, the report puts forward a version of events in which the two adversarial groups emerged without warning or precedent, and who were each categorically separated from the rest of “society,” which is represented as a separate monolithic whole.

Even the report's title, "*Nunca Más*" ("Never Again"),⁶⁵ in its own way, failed to properly historicize the political and cultural context of twentieth-century Argentine society. By implying that the return to democracy in 1983 marked a conclusive turning point for the nation, the "*Nunca Más*" argument suggests that the re-establishment of democracy would categorically ensure that the threat of a military dictatorship would *never again* be repeated.⁶⁶ Despite the stirring evocation of the widespread hope and optimism that the fall of the juntas represented for the Argentine people, this declaration turns a deaf ear to the fact that during the fifty-three years between the first coup in 1930 and the fall of the last dictatorship in 1983, military juntas had ruled the country for nearly half that time (twenty-five years), imposing fourteen dictators under the title of "president," equating to one every 1.7 years on average. Such glaring disregard for the nation's recent political history did more to perpetuate the "Two Demons" narrative – by disavowing both the fascism of the military regime and the "communism" of the so-called terrorists, in favour of the "democracy" of Alfonsín's transitional government – than it did to corroborate its own "Never Again" thesis.

By presenting the recent past as though it were a truly legitimate conflict between two sinister groups, the executive Commission (under the guardianship of President Alfonsín) was able to promote the illusion that the end of the Truth Commission (followed by the publishing of this official report) marked a decisive moment for Argentina as it extricated itself from decades of political violence and set about returning to democracy and social stability. In doing so, however, at a time before most survivors had the opportunity to tell their stories outside of the auspices of the government-marshaled *Nunca Más* report, this "Dirty War" narrative exonerated the majority of Argentine society from all blame⁶⁷ by failing to account for the destructive complicity of the greater part of ordinary middle and

upper-class Argentinians, as well as the Catholic church and many large foreign corporations.⁶⁸

By attributing all responsibility to only a few would-be “violent extremists” (from both “sides”), millions of common citizens were effectively erased from the National Commission’s official report and were therefore absolved of any blame for what had taken place before, during, and after the dictatorship. In fact, Sábato went out of his way to absolve the general public on the third page of his prologue, writing: “A feeling of complete vulnerability spread throughout Argentine society, coupled with the fear that anyone, however innocent, might become a victim of the never-ending witch-hunt. Some reacted with alarm. Others tended, consciously or unconsciously, to justify the horror. ‘There must be a reason for it,’ they would whisper, as though trying to propitiate awesome and inscrutable gods, regarding the children or parents of the disappeared as plague-bearers” (*Nunca Más* 3-4).

Furthermore, in absolving the general public of all responsibility during these unspeakable years, the *Nunca Más* report failed to account for the complicated system of class and racial prejudices that had plagued Argentine society for centuries, and which were perhaps at their most pernicious during these years. It would not be until the publication of several survivors’ testimonies, along with the uncovering of hundreds of the so-called “clandestine” detention centres in the coming decade, that the pangs of conscience would fully register on a national scale in the form of a collective sense of remorse.⁶⁹ However, owing at least in part to the riveting style and form of Sábato’s writing (and his status as one of the nation’s leading novelists), this version of events was afforded undue credence in the initial years following the return to democracy, and has come to be regarded as *the* official historical account of those years.

In many ways, the *Nunca Más* report flattened out these many disparate socio-political conditions and reduced the history of the Argentine conflict to an easily digestible struggle between two equally vicious adversaries. Instead of depicting the military regime's absolute and unrestrained persecution of its own citizens based on decades of intensifying economic, cultural, and regional hostilities, the events were stripped down to only their most rudimentary underpinnings.

Framed by Sabato's celebrated prologue, *Nunca Más*' "Two Demons" thesis would draw a mendacious false equivalency between the dictatorship and those who refused to submit to it, while also spuriously distancing the civilian population from the hostilities, altogether. Unlike the moral interventions of the *Nuremberg Report* (which sought to retroactively inculcate the entire civilian population in the crimes of the Nazi regime), the *Nunca Más* report instead aimed to *absolve* all bystanders, while attributing the bloodshed and trauma to the pernicious work of two higher powers: the military juntas and the so-called communist "terrorists" who opposed them.

But while the stripped-down story of two extreme political factions battling on the streets of Buenos Aires certainly made for a much more compelling narrative than the tedious history of trade unions and cabinet-elections, much of the moral nuance surrounding the popular resistance movements was concomitantly whitewashed from the report. All acts of political resistance against the dictatorship were reinterpreted in the report as violent "terrorist crimes" carried out by seemingly corrupt anti-Argentine youths (*Nunca Más* 1).

Despite *Nunca Más*' claim, however, civilian resistance in fact came in a multitude of forms – from citizens of all ages and all ends of the political spectrum, and from remote provincial villages to the busy barrios of Buenos Aires and Córdoba. Yet, within the strictures of the "Two Demons" narrative, any and all opposition efforts were swallowed up

under the sinister banner of the *Montoneros*. Many of the cultural and political circumstances surrounding the emergence of the various resistance groups – including their roots in rural, poverty-stricken communities, and the fact that many of them were organized in large part by groups of women following the national popularity of Eva Péron’s suffrage movement of the 40s and 50s – were stripped of all ethical currency, instead being portrayed in the report as a single, unified and “equally violent” opponent of the juntas.

Ultimately, this simplified moral narrative would allow the Alfonsín government to symbolically *move on* from the trauma of the “Dirty War” and implement a series of laws intended to put an end to the costly civil trials, allowing them to then funnel government resources into programs that would aid in the rebuilding of the national economy instead of attending to the collective abreaction of a national trauma.

However, *Nunca Más*’s leveling out of blame, between the military forces who perpetrated the violence and those individuals who chose to oppose such oppression, established a new ethical framework through which the trauma of the “Dirty War” would be remembered. Assigning equal blame to the civilian groups who dared to oppose the violent acts of the juntas would permanently recast these women and men as equally hostile instigators of the brutal violence that unfolded, while, more tellingly, those who chose *not* to act were heralded as the true heroes of the resistance. Whereas the *Nuremberg Report* reframed the moral landscape of the Nazi years by suggesting that inaction on the part of the general population constituted a form of moral negligence – equating innocent bystanders to willing Nazi executioners in an effort to facilitate the implementation of denazification laws – *Nunca Más* implied the opposite in order to accelerate the implementation of the “Law of Due Obedience” and the “Full Stop Law.”⁷⁰ According to the Argentine report, inaction on the

part of millions of Argentines was construed as evidence of their peaceful non-combativeness and nonpartisan neutrality in the face of two hostile oppressors.

Challenging the “Two Demons” Narrative After 1984: Argentine Literature and Film in the Shadow of *Nunca Más*.

While the *Nunca Más* report flattened out the diverse socio-political circumstances leading up to the violence by disconnecting the so-called “Dirty War” from its wider historical context, several prominent Argentine writers addressed the same historical events in a much more nuanced and morally assiduous way, addressing the events in their full complexity without reducing the narrative to a simple story of “good” vs. “evil.”

A diverse array of writers and artists – many of whom had been threatened with death by the dictatorship – would produce their own stories of resistance and opposition, including Thomas Eloy Martínez, Luisa Valenzuela, Osvaldo Soriano, Haroldo Conti (who was “disappeared” in 1976), Ariel Dorfman, and Manuel Puig.

Puig, who had escaped to Mexico in 1973 amid the intensifying hostilities following the Ezeiza Airport Massacre (and after the publication of his previous novel, *The Buenos Aires Affair*, in which he brazenly criticized the previous military regime), wrote what many consider to be the most poignant allegorical novel of the military dictatorship just months before the coup of 1976. *El Beso de la Mujer Araña* (“Kiss of the Spider Woman”) depicts the potent undercurrents of destructive masculinity and chauvinism that precipitated the “Dirty War” via the burgeoning friendship between two men who had each been illegally imprisoned by the dictatorship – Valentín for belonging to a violent Marxist revolutionary group resembling the *Montoneros* and Molina for being a so-called “homosexual offender.”

Published in 1976, *Kiss of the Spider Woman* pre-emptively challenges *Nunca Más*’

erroneous historical isolationism by illustrating that the violence, abductions, and murder of the *Proceso* in fact began years before Sábato's report had claimed. Depicting the brutal tactics administered by the Argentine Anticommunist Alliance – the far-right death squad, equivalent to the Nazi *Einsatzgruppen* – that had officially begun in 1973, and founded by several military members who would go on to hold leadership roles during the dictatorship, Puig's novel was immediately banned by Jorge Rafael Videla's regime upon publication (Levine 302).

Set, to a large extent, within a single cell in the Villa Devoto prison in Buenos Aires, the novel consists almost entirely of a single continual dialogue between the two male prisoners as they endure the daily purgatory of waiting for their inevitable torture and/or assassination at the hands of their military captors. *Kiss of the Spider Woman* challenges *Nunca Más*' "Two Demons" narrative through its colourful illustration of the two main characters – neither of whom truly embodies the menacing image of the radical "terrorist revolutionaries" that the military had warned of, and which Sábato's "equal blame" theory perpetuates.

Centering on the role of gender-politics in contemporary Latino culture, Valentín's revolutionary spirit is typified in the novel by what we might call a form of benign naiveté and *machismo* chauvinism, as opposed to the type of dangerous political-extremism that the military regimes – and by proxy the *Nunca Más* report – had warned of. Far from epitomizing a violent political militant, Valentín's political maneuvering – like many of the young men caught up in the revolutionary spirit of the 70s and 80s – is portrayed, instead, as a means of performing his generation's uniquely Argentine brand of masculinity. For Puig, Valentín's Marxist political struggles serve as an outlet for expressing the particular codes of male behavior – namely the very public demonstrations of virility, bravado, and headstrong truculence – that have traditionally organized Argentine society. By equating the

revolutionary actions of both the far Left and the far Right with outward expressions of *machismo* culture, *Kiss of the Spider Woman* re-contextualizes the so-called “Dirty War,” not as a Manichean confrontation between Good and Evil (as Sábato’s final report does), but instead as the inevitable manifestation of a hyper-aggressive and hegemonic masculinity that dominated an historically patriarchal society. For Puig, it was not the emergence of two equally sinister and historically unprecedented groups that “tore the nation apart,” as *Nunca Más* declares. Rather, *Kiss of the Spider Woman* challenges the “Two Demons” theory by re-contextualizing the “Process of National Reorganization” as the manifestation of century-old cultural myths of the rugged Latino man, famed for his dominance, self-assertiveness, and violent demonstrations of authority, that converged at a particularly volatile historical moment in a series of violent macho outbursts. Wholly couched in the political turmoil of the 1970s, *Kiss of the Spider Woman* reframes the disappearances, torture, and violent rapes carried out by the junta – together with the violent backlash from resistance groups – as concordant symptoms of an overly masculinized nation.

Through the character of Molina – who self-identifies as a “Queen” and “a cat woman... a hundred percent female” – Valentín’s *machismo* persona is gradually undercut, as his cell-mate slowly deconstructs his hyper-masculine facade. In a continual attempt to take their minds off their shared torment, Molina recounts to Valentín the plots of several saccharine Hollywood films from his youth, rendering a series of colourful cinematic vignettes that are pregnant with a host of allegorical references to both the nation’s political situation and to the vicissitudes of *machismo* and *marianismo* gender roles that guide the body politic. As Molina’s narration of each film begins, the two initially relate to the respective male and female leads according to traditional archetypal gender constructions – Valentín to a rugged racecar driver in one story and a mafia boss in another, while Molina self-identifies

with the female love-interests to such traditionally masculine characters. Gradually however, within the safety and isolation of the prison cell, the roles begin to reverse as Puig (via Molina) deconstructs the *machismo* masculinity that had provoked decades of political violence throughout the country. Continually associating the violence of the dictatorship to public displays of Latino maleness, Puig constructs a poignant study of the so-called “Dirty War” that is stripped of the popular justification that it was a “legitimate war” fought between two hostile groups, instead reframing the violence in light of structural male-to-male relations. In support of these observations, Puig incorporates a number of long footnotes on psychoanalytic theory, implying that the queering of Argentine male-identity represents a panacea for the nation’s unceasing political turmoil. Mirroring Sábato’s own endless footnoting and digressive philosophizing in the *Nunca Más* report, *Kiss of the Spider Woman* soft-pedals the report’s didactic tone and defies its reductive thesis that the violence of the “Dirty War” was historically unprecedented and, therefore, entirely unpredictable. Instead, Puig’s novel reveals the political violence as centuries in the making; as the culmination of age-old hyper-masculine paradigms built up to an inevitable crescendo of terror and trauma.

While the *Nunca Más* report fails to acknowledge the fact that the brutal torture and rape of thousands of women were perpetrated exclusively by male officers – many of whom were tortured simply because their husbands, brothers, or fathers were suspected of being members of the *Montoneros* – Puig’s novel underscores these acts as the gendered-performance of a masculine entitlement (and power) to inflict pain on the female body. *Kiss of the Spider Woman* dramatizes the specifically Argentinian gender-based forms of cruelty that military officers were trained in (See: *Nunca Más* 442) as the festering misogyny of toxic *machismo* culture, giving men exclusive license to rape, torture, and slaughter thousands of

women under the pretence of liberating their country from anti-Argentine corruption and sedition.

Like Puig, Molina spent his youth luxuriating in foreign films as a means of disengaging from a world that had abandoned him. But the films, which provide a form of escapism for Molina, also entrap him in his culture, reinforcing and perpetuating the gender norms that he sees as destructive to the Argentinian national psyche. Reflecting on the perils of immersing oneself in art as a means of escapism, Puig makes use of the filmic episodes, in a metafictional manner, to address the complicated relationship that literature and art played during the reality of the *Proceso de Reorganización Nacional*. While many exiled writers chose to use their fiction as a way of “reporting on the truth” during the years of repression and censorship, the risk that their efforts might simply be utilized as a “form of escape” for the victims – as opposed to triggering some type of concrete resistance – was a risk that Puig was acutely conscious of. This danger is cleverly negotiated in *Kiss of the Spider Woman*, insofar as the films allow Molina and Valentín to transcend their cell and become the catalysts through which their respective worldviews are deconstructed. As Valentín suggests, “It can be a vice, always trying to escape from reality like that, it’s like taking drugs or something. Because, listen to me: reality isn’t restricted by this cell we live in. If you read something, if you study something, you transcend any cell you’re inside of. That’s why I read and why I study every day” (*Kiss* 78). For Puig, the prison cell serves as an artful metaphor for the nation as a whole, suggesting that all of Argentina is entrapped in a prison cell of *machismo* political turmoil, which can be transcended only through a critical engagement in transformative dialogue and the sharing of counter-normative ideas.

In direct contradistinction to *Nunca Más*’s methodical attempt to impose a sense of rational order onto the violence and trauma of the “Dirty War,” *Kiss of the Spider Woman*

demonstrates that the brutality was anything but “reasonable.” While *Nunca Más*’ “Two Demons” allegory perpetuates the central trope of masculine hegemony in Argentinian society by framing the “Dirty War” according to a traditional dualistic Manichean paradigm, Puig subverts this narrative by introducing a form of political and gendered polymorphism. If the violence of the outside world is “rationalized” as a world-historic struggle between two willing combatants, then the privacy of the prison cell permits both men to embrace a more protean vision in which both victims and perpetrators are regarded outside of the dualistic good/evil, innocent/guilty, or male/female dialectics. In this way, Puig destabilizes the “Two Demons” theory and, in doing so, delegitimizes the popular justification that all participants were somehow obliged to take up arms in the name of their country. By re-contextualizing the chaos and barbarity of the “Dirty War” as the wholly irrational manifestation of archaic myths of *machismo* hypermasculinity, Puig underscores the utter senselessness of the violence, and provides a counter-narrative through which his readers might transcend their collective “prison cell.” The liberating power of the deconstruction and subsequent reconstruction of *machismo* masculinity into a polymorphous, mutable *machismo-marianismo* gender hybridity is liberating for Valentín, and by proxy, as Puig suggests, for the entire nation. Augmented by Puig’s footnotes on Freud’s notion of the “polymorphous perverse” – the idea that men are capable of achieving gratification outside of socially normative gendered behaviours – Valentín’s moment of ecstasy ultimately destabilizes his *machismo* veneer, laying the groundwork for the abnegation of his, and his country’s, violent political compulsions.

But if the profusion of footnotes and academic references that frame Puig’s novel are meant to present his thesis as a cerebral and serious approach to reading against the grain of the “Two Demons” narrative – one that would provide a roadmap for concrete political action, and not merely a means of emotional escapism – other writers chose to respond to

Nunca Más' rationalization of the terror in more sardonic and derisive ways, mocking the sheer hubris of the report's attempts to make sense of the violence.

Whereas the authors of *Nunca Más* had felt compelled to expunge certain "particularly gruesome" acts from the report out of fear that they might seem "unbelievable," Osvaldo Soriano's two post-*Nunca Más* novels – *A Funny Little Dirty War* (1986) and *Winter Quarters* (1989) – force their readers to confront only the most repulsive and shocking reports of violence and torture from that period, with the unlikely license of humour as a shield against such readerly incredulity. Soriano's satirical works, which are comprised of a seemingly endless barrage of increasingly violent scenarios, manage to capture the unique vagaries of the total breakdown of political discourse in 1970s Argentina in a way that neither Puig's cerebral cultural analysis, nor Sábato's staid historical narrative, arrive at. Like several earlier Spanish-language picaresque novels, Soriano's works palliate the grotesque violence by intercutting it with dark and obscene humour, similar to the crude sexual innuendo, scatological jokes, and lewd language found in the original versions of Cervantes' *Don Quixote*, Delicado's *Portrait of a Lusty Andalusian Woman*, and López de Úbeda's *The Mischievous Justina*. The end result is a scathing portrait of society's dark underbelly – comprised of equal parts tragedy and farce – that abstains from *Nunca Más*' hopeful vision of the nation as a civilized and genteel community that had been temporarily "torn by terror" by two sinister factions. Instead, Soriano's Argentina is exclusively populated by hordes of corrupt degenerates who willingly and riotously act upon their most vile and depraved impulses. In other words, Soriano's novels undercut the "*Two Demons*" thesis by substituting it with a portrait of an *entire nation* of demons.

Writing from exile in Brussels, Soriano's novels are steeped in the famed surrealist humour of classical Argentine literature – in the tradition of Borges, Adolfo Bioy Casares,

and Silvina Ocampo – while also veering into the realm of the abject grotesque. Like Borges, Soriano’s humour relies on broad slapstick scenarios; the juxtaposition of absurd, screwball situations with fast-paced, usually violent action; a general indifference to insinuations of horror and vulgarity; and continuous non-sequiturs to destabilize readerly expectations. The difference, however, is that if obscene innuendo is only ever alluded to in Borges’ or Casares’ works – such as priests and nuns who secretly write lewd letters to one other – Soriano’s distinctive comedic effect arises out of his insistence on illustrating the obscene or gruesome in extreme, painstaking detail.

Like the *Nunca Más* report, Soriano’s novels are suffused with countless scenes of extreme violence, including graphic accounts of rape, murder, torture, and bodily mutilation. In fact, several explicit scenes in *A Funny Little Dirty War* appear to be faithful reproductions of actual victim testimonies taken from the report, itself. One chapter, for instance, opens with a scene that is nearly identical to the particularly gruesome incident recounted by Dr. Liwsky in *Nunca Más*, in which he describes: “[being penetrated] with a metal instrument, something like a red-hot nail... they put me face-down on the torture table... They tied me up and raped me slowly and deliberately by introducing a metal object into my anus... I wished with all my heart that they would kill me as soon as possible” (*Nunca Más* 22-23). In Soriano’s novel, this scene is ascribed to Ignacio:

Everything was swaying to and fro. Somebody caught hold of one of his legs and dragged him a couple of yards, then two men heaved him up onto what he thought was probably a desk. He closed his eyes and tried to distinguish the voices mingling round his head, but couldn’t make sense of the noises. ...His own scream gave him a feeling of horror. Eventually, by gripping the edges of the desk, he managed to raise his eyelids. He saw a red, smoking tip. Solid fire

pressed into him [...] and he longed for death to rescue him from the nightmare.
(*A Funny Little Dirty War* 71-72).

While the nature and intensity of the violence is indistinguishable between the *Nunca Más* report and Soriano's fictional rendering, the latter accentuates the utter senselessness of these crimes through its interminable rhythm and momentum. Soriano's novels eschew any pretention of plot or character development, opting instead for a constant, unadulterated barrage of arrant violence. In their facetious and seemingly blithe handling of such shocking grotesquery, Soriano's novels evoke parallels to Voltaire's *Candide* or perhaps the Marquis de Sade's *The 120 Days of Sodom*, serving as a type of a Hobbesian critique of the rationalism that pervades the *Nunca Más* report. Whereas Sábato's overriding narrative attempts to explain the basis and motivation for such cruelty in between testimonial episodes, what we observe in Soriano's novels is a particular ability to transmute brutal social injustice into comic form by framing historically real violence as though it were the contrivance of a surreal Borgesian fantasy. By refraining from any attempt to *make sense of* the violence, Soriano's novels reveal the dark human impulses beneath the horrors of the *Proceso de Reorganización Nacional*.

The first of Soriano's post-*Nunca Más* novels, *A Funny Little Dirty War* (1983), represents the capstone of this form of grotesque political satire. Depicting the relatively plotless criminal misadventures of a cast of lower-class (Péronist) anti-heroes, *A Funny Little Dirty War* reduces the violence of the 1970s down to a forty-eight-hour, mock-heroic village war populated by an ensemble of sadistic and rakish opportunists. The novel opens when Ricardo, the mayor of a small village, plots with a local spin doctor to have his deputy-mayor, Mateo – whose increasing popularity threatens Ricardo's decades-long hold on the mayorship – kicked out of office. Ricardo's devious and unfounded accusation that Mateo

secretly belongs to an underground communist *camarilla* provokes widespread public outrage, causing provincial allegiances to shift, and triggers an hysterical *Crucible*-esque witch-hunt. Stemming from this initial allegation, the novel quickly and absurdly descends into an all-out civil war in which an endless cast of self-described “Péronists” subject one another to a cycle of vile murderous rampages while preposterously accusing one-another of “communist allegiances” and “disloyalty to the nation” in order to justify their increasingly arbitrary attacks. As the novel illustrates, the seemingly banal charge of harboring “communist allegiances” – an accusation that each of the victims in the *Nunca Más* report were leveled with by their military captors – was, in fact, a much more treacherous and politically canny maneuver than Sábato’s final report acknowledges. While the *Nunca Más* report embellishes the myth of secret networks of communist terror cells in order to validate its own “Two Demons” thesis, Soriano’s novel reveals how these seemingly banal accusations, in fact, provided a callous – yet culturally acceptable – excuse for everyday citizens to act out their most violent and sadistic fantasies upon one another.

Through its hyper-distillation of the violence of the previous decade, Soriano’s novel paints a scornful, and at times stomach-churning, caricature of the “Dirty War,” in which every Argentine citizen is a constant participant in the increasingly twisted violence of the State. By forcing all of society into the belly of an appalling, monstrous world and implicating each one of us in the farce, *A Funny Little Dirty War* refuses to grant its readers any sense of moral superiority by separating them from the violence. By implicating all of society in the carnivalesque violence – as opposed to the outside-looking-in position that *Nunca Más* fosters through its society-as-victim model – Soriano’s novel refuses to appease the consciences of those bystanders who preferred to think of themselves as innocent victims of the supposedly two-sided violence. Instead, in Soriano’s grotesque world, every

Argentinian is swallowed up by the devilish violence, preventing the reader from ever truly distancing him or herself – both politically or morally – from the action.

By implicating every citizen in the depravity and wickedness, *A Funny Little Dirty War* undercuts the implicit and erroneous guarantee at the core of *Nunca Más*' "Two Demons" thesis: the notion that society's return to democratic rule will ensure that such horrors will *Never Again* be repeated. Through its farcical depiction of Hobbesian lawlessness, *A Funny Little Dirty War* repudiates *Nunca Más*' "Never Again" promise, instead suggesting that we are *all* driven by the dark, sadistic impulses that gave rise to the cold-blooded cruelty of those years, and suggests that – given the right opportunity – this horror could most certainly happen again. By subverting the moral thesis at the heart of *Nunca Más*' "Two Demons" hypothesis, Soriano both releases the victims from the spurious charge of being equally willful and violent combatants, while also holding accountable those bystanders who embraced the scapegoating of students and resistance fighters as a means of shrouding their own moral negligence in the face of a brutal dictatorial regime.

In Soriano's nightmarish world, the total collapse of the Social Contract has plunged society back into its originary state of nature, where man lives in "continual fear and danger of a violent death" (Hobbes 70). Soriano's grotesque satire vividly depicts what Hobbes famously referred to as "a war of everyone against everyone" (72) (*bellum omnium contra omnes*), in which – in the absence of law and political order provided by a stable government – everyone is free to plunder, rape, and murder one another. Within this nightmarish vision, *A Funny Little Dirty War* demonstrates the extreme hubris of *Nunca Más*' "Never Again" promise and asks whether the public tribunals carried out under CONADEP could possibly represent enough of a cultural corrective to curtail the deep-seated trauma inflicted by the juntas.

As the violence of Soriano's novel escalates at a feverish pace, so too does the sheer absurdity that spurs on the action. Modest gardeners are promoted to "Provincial Director of Parks and Gardens" in return for political loyalty, police officers are paid off with cigarettes and cheap wine, and elementary school teachers go to war against a far-right death squad. Nearly every paragraph is teeming with vivid images of explosions and gunfire, of "vomit, puss, piss" (Updike 544) and spurting blood; of necks being sawn through, skulls being cracked open, and limbs being removed. Yet, despite the relentless graphic depictions of blood and violence, the novel's action plays out more like an extended Monty Python sketch skit than any serious war story. Commenting on the novel, John Updike notes, "it is all action, and the action is virtually all ugly. In little more than a hundred pages, the attempt of one petty official to oust another farcically, inexorably, horribly sweeps a small Argentine town into a local holocaust of violence and murder... It is pure slapstick in which people actually bleed" (544).

As the violence escalates, the chorus of barbarity is rendered increasingly ludicrous, producing in the reader a confused and uneasy tension between laughter, fear, and disgust. After each sadistic assault, a rival character shouts "Long live Péron!" in increasingly carnivalesque furor, until ultimately only three men remain, barely clinging to their last traces of life. In Soriano's novels, *Nunca Más*' prevailing Manichean narrative is supplanted by an hysterical circus of transposable individuals whose allegiances are repeatedly formed and re-formed according to their personal desires for power, wills to survive, opportunities for financial gain (or in one case, the offer of a free tank of gas), and in some instances, simply out of sheer boredom. Contrary to *Nunca Más*' "Two Demons" narrative, which insists that the violence was carried out exclusively by "terrorists," "guerillas," and "tyrants," Soriano's novels reveal how the volatile power structures formed within the confines of an

authoritarian state can – and do – indoctrinate and manipulate all citizens into extending this violence beyond the public sphere and into the private.

Like the historical events that Soriano’s novels lampoon, it is often difficult for the reader to keep track of who is allied with whom at any given moment. Amidst the endless carousel of violence and grotesque mayhem, the reader is constantly disoriented, allowing Soriano ultimately to hit upon a fundamental truth that the CONADEP report misses, namely the sheer senselessness of the violence and oppression, as all sides grow increasingly agitated. Evolving from the comic and the grotesque (one character takes it upon himself to fly his small plane, used to fertilize crops, over the scene of a brutal police shootout, dropping loads of manure on unsuspecting belligerents and bystanders from all sides, all “in the name of Péron!”) to the tragic (all but three grotesquely maimed protagonists are killed before the end of the novel), *A Funny Little Dirty War* eventually subverts its own satirical approach with its solemn and devastating denouement. While satirizing the particular vices, follies, and shortcomings that he saw as governing his society, Soriano’s novel makes no effort to shame individuals, the government, or society into a false hope of moral or cultural improvement. Instead, like Chaucer’s “The Pardoner’s Tale” (in which three men set out to avenge a friend’s death by killing the Angel of Death, until, out of greed and the promise of fortune, they each murder one another), *A Funny Little Dirty War* simply moralizes its subject matter through the grotesque absurdity of its tragic end. Without ever becoming polemic in tone or instructing its readers through the voice of a single incorruptible narrator, Soriano’s novels simply rely on the gradual escalation of human lasciviousness rendered grotesque to provide a moral exemplum.

In 1995, another notable satirist – visual artist León Ferrari – would also impugn the “moral leveling” thesis of the CONADEP report, albeit in a much more direct and

provocative manner than Soriano. In light of a series of events that renewed interest in *Nunca Más* that year,⁷¹ daily newspaper *Página/12* elected to reprint Sabato's report in its entirety in serialized form – dividing it into thirty installments, each featuring reproductions of the original report. As Emilio Crenzel notes, the *Página/12* edition's print run of seventy-five thousand (the second largest, after the original print edition) combined with a revitalized public and educational interest in it, made theirs “the most important edition” of the report yet (“el *Nunca Más* en fascículos” 87). In addition to the printed reproductions, the *Página/12* editors also enlisted acclaimed artist and recent Guggenheim fellow León Ferrari to produce a series of accompanying collages to be included with the text. Ferrari, whose son Ariel was disappeared by the junta in 1977 and who had been forced into exile during the dictatorship for a series of condemnatory articles he had published against the regime in *Página/12*,⁷² would produce a series of highly incendiary and satirical images, eventually drawing the public ire of Pope John Paul II while the archbishop of Buenos Aires “called on believers to condemn his work” (Porterfield 99).

Ferrari's provocative collages, simply and sardonically titled “*Nunca Más*,” juxtapose hellish images from Classical and renaissance paintings with photos of Argentinian and Nazi soldiers, popes, archbishops, and newspaper clippings from the time of the dictatorship. The aim was to highlight the collaboration between the Catholic and Jesuit churches and the dictatorship – a highly contentious topic that *Nunca Más* failed to address.

The cover page of the *Página/12* edition of *Nunca Más*, for instance, overlays a photo of the dictatorship's military leaders, posed in a dignified ceremonial salute, atop a reproduction of Gustave Doré's “Deluge” (1860) (See Fig 3.1). In Doré's image, which depicts a Biblical scene of the Genesis flood narrative, countless men and women scramble and claw at one another to escape a violent death, their naked bodies heaped and twisted

upon two protruding rocks while others are washed away into the centre where the military leaders are situated. Overtop of the image, Ferrari includes the original text from Sábato's initial print version, suggesting that Ferrari's version is an updating of the former, as opposed to a substitute.

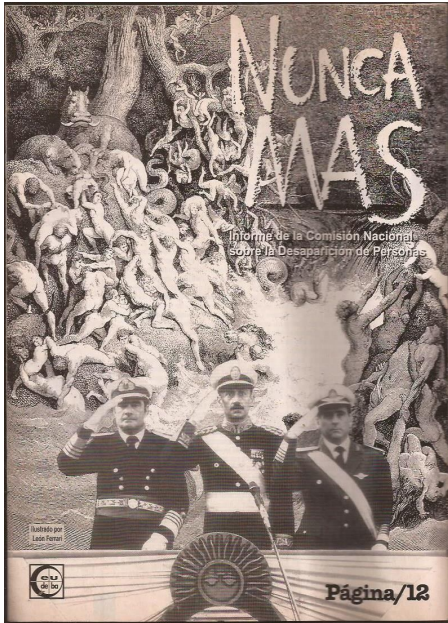


Fig 3.1 León Ferrari “The Deluge by Doré, 1860 + Military Junta (Photo: Public Records Office)” (1995). Digital Print on Paper. *Never Again*. London, Tate Modern.

Other images are much more direct in their foregrounding of the relationship between the church and regime. One (Fig 3.2), features a photograph of General Videla (the first dictator of the *Proceso*) and Naval Commander Emilio Eduardo Massera being blessed by Cardinal Juan Carlos Aramburu. Aramburu, along with Jorge Mario Bergoglio (who was later elected as Pope Francis), would later face charges of crimes against humanity for their collusion with the regime, both during and after the dictatorship. The photographic image is overlaid atop Doré's depiction of Danté's Inferno, again repeating the hellish, underworld imagery of “demons.” Another (Fig 3.3), sets two nearly identical images side by side, the first depicting Adolf Hitler warmly greeting Benedictine monk Alban Schachteitner and

Reichbishop Ludwig Müller, the other of the dictator Videla similarly greeting Cardinal Aramburu.



17 Videla, Massera, Agosti y el cardenal Aramburu (Foto Loicono)
+ Inferno del Dante, Doré, 1860

Fig 3.2 León Ferrari “Videla, Massera, Agosti and Cardinal Aramburu (Photo: Loicono) + Danté’s Inferno by Doré, 1860” (1995). Digital Print on Paper. *Never Again*. London, Tate Modern.



18 Foto: Archivo de Prensa, Subcomandante y el general argentino Videla
+ Foto: Videla recibe al cardenal Aramburu

Fig 3.3 León Ferrari “Hitler Greet the Catholic Abbott Schachteitner and Muller, Reich Bishop + Jorge Videla Greet Cardinal Aramburu” (1995). Digital Print on Paper. *Never Again*. London, Tate Modern.



Fig 3.5 León Ferrari. Six of the artist’s “Nunca Más” collages, report of the CONADEP, edited by Página/12 (1995). Digital Print on Paper. *Never Again*. www.arte-online.net/

While Ferrari’s “Nunca Más” collages were condemned by top Church and military officials upon their release, he was also praised by many of his countrymen for the audacity with which his visual interventions challenged *Nunca Más*’ silence on the issue of complicity between the church and the juntas.⁷³ However, the most vociferous response to his images came nearly three decades later, in 2004, when they were included in a highly publicized retrospective of his work at the Centro Cultural de la Recoleta.⁷⁴ By then, Ferrari’s international reputation had skyrocketed; he was, along with Guillermo Kuitca, one of the nation’s most celebrated visual artists. The exhibition, “which many qualify as one of the key art historical events in Argentina over the last hundred years” (Porterfield 99), drew more than seventy thousand visitors, as well as a mass of international press coverage. On the third day of the exhibit, a group of young radical right-wing Catholics entered the cultural center shouting, ‘*Viva Cristo Rey*’ (“Long Live Christ the King”). The protestors destroyed some of the works, including the “Nunca Más” prints, as well as the glass bottles that

comprised Ferrari's piece "1492-1992, *Quinto Centenario de la Conquista*" – a work lamenting the arrival of Catholicism in the Americas. The protestors then menaced other spectators with the broken shards and demanded the exhibit be shut down. As Todd Porterfield notes:

The exhibition was closed for two days and lawsuits were brought against the exhibition, notably by the *Asociacion Cristo Sacerdote* (The Association of Christian Priests), which enumerated the show's profanations: "51 insults to Jesus Christ; 24 to the Virgin Mary; 27 to the angels and saints; three directed to God, and seven to the Pope." (Porterfield 99)

The resultant media spectacle ultimately elevated Ferrari's international reputation – following the Recoleta scandal, he won the prestigious Golden Lion at the Venice Biennale and secured solo shows that included the "Nunca Más" series at the Tate Modern in London (2007),⁷⁵ the Museum of Modern Art in New York (2009), and the Reina Sofia in Madrid (2009-2010), before being granted the Konex Award for Visual Arts in 2012 as the most important Argentine artist of the last decade. But it also demonstrated that, even three decades later, a shadow still hung over Argentina and its memories of the Disappeared.

While artists like Ferrari, Soriano, and Puig endeavored to challenge *Nunca Más*' fallacious "Two Demons" narrative – portraying the events according to the more complex set of political, religious, class-based, and gendered circumstances that contributed to the rise of the violence – the Recoleta scandal also demonstrated that Sabato's mendacious "equal blame" thesis found new cultural value amongst a younger generation of Argentinians in the 2000s.

This generation includes an emerging group of artists and writers who were born during the 1970s or 80s, and who have lived their entire lives under an ominous cloud of

uncertainty. Much of this uncertainty is rooted in recent revelations that, unbeknownst to them, hundreds of children had been raised, *not* by their biological parents, but by their parents' murderers – about 500 of them, in a widely accepted estimate⁷⁶ – thus inspiring a menacing sense of disquietude throughout that generation's social groups; a creeping wariness that people may not be who they seem, or that even one's own parents may not be their own. The range of psychological reactions to these revelations have been far-ranging, with some children rejecting the revelations altogether, while others have turned to the radical leftist politics for which their parents died, as their only means of connection with them. "Some children," writes Clyde Haberman, "on discovering their true identities, have resisted leaving the only parents they know.... Then again, some grandchildren are comforted to learn that they were not abandoned by their biological parents, as they long believed" ("Children of Argentina's Disappeared").

In Mariana Enríquez's short stories, her characters occupy an Argentina scarred by the violence of the 1970s and 80s. Her first collection to be translated into English, *Things We Lost in the Fire*, mixes elements of Argentine history with the pathos of gothic horror stories, giving rise to a modern depiction of young Argentinians oppressed by the spectre of the *Proceso*. One story in *Things We Lost*, "The Inn," builds gradually toward an impassioned and inevitable sexual encounter between a pair of teenage girls, before, on the very last page, the couple is violently interrupted by the ghosts of the Disappeared, shouting, pounding and crying, and shining flashlights through their bedroom window. In another, "The Spiderweb," the suffocating presence of military soldiers in a rural countryside is mirrored by an outbreak of deadly spiders bearing "pink crosses" on their backs (95). In nearly all of her stories, the children protagonists are alone, having rejected or been rejected by their parents. In a recent interview with NPR, Enríquez states:

I did not try specifically to write about the dictatorship and its consequences in the present, but I couldn't hide away from it when [it] kept appearing in the stories. I'm 43; I'm a bit older than the children of the disappeared, but not all of them because some have my age, some are older etc. But what always haunted me once I knew the stories of these children is that there's a question of identity. I mean, I went to school with children that I don't know if they were who they were, if their parents were who they were, if they were raised by their parents or by the killers of their parents, or were given by the killers to other families. So there is a ghostly quality to everyday life. So it's almost like something is floating in the air – something that is not resolved. And there is a fear, a real fear that was in the air, that kind of got through my skin. (Enríquez *NPR*)

In Enríquez's stories, her young protagonists are continually haunted by the demons of the *Proceso*. Her characters are tormented by the menacing presence of "both sides," but the demons are never really present; they only ever appear as hallucinations or visions, as a sort of spiritual dread hanging over her entire generation. Like Enríquez, Patricio Pron was born amidst the violence and tyranny of the *Proceso*. And like her stories, his novels are filled with youthful Argentinians addicted to drugs – paroxetine, benzodiazepines, and sleeping pills – as a way of escaping their past. Pron's 2011 novel, *My Father's Ghost is Climbing in the Rain* (translated to English in 2013 by Mara Faye Lethem), depicts a child's compulsive investigation into his father's past.

When Pron's unnamed narrator, who had been living in Germany, returns to Argentina to attend to his father who recently fell into a coma, he discovers a concealed

folder filled with newspaper clippings and photographs depicting a disappeared brother and sister, Alberto José and Alicia Burdisso.⁷⁷ Having discovered his father's interest in the disappeared siblings, the narrator embarks on an obsessive and increasingly neurotic investigation into his father's connection with them. Who were Alberto and Alicia? Why did they disappear? Did his father want to help them? Or did he murder them?

From the moment of discovery, an impressive stream of suspense and uncertainty drive the plot. Like Enríquez's protagonists, the narrator is haunted by the violence of his parents' generation. And like many writers of his era, his suffocation under the weight of history is guided by the dangerous binary perpetuated by *Nunca Más*' "Two Demons" thesis. In Pron's novel, the only possible outcomes of his search are, either: his father was a revolutionary freedom fighter who fought against tyranny, or he was a member of the far-right death squads. In Pron's rendering of history, you were either *with* Péron or against him.

Ultimately, it is his father's tastes in literature that clue the reader in to which *side* he was on. As the narrator itemizes the contents of his father's bookshelf, he discovers: "*Another Episode in the Class War ... My Life for Peron! ... Operation Massacre ... Now or Never ... The Tactical Manual ... The Little Red Book*" (29). Authors found in his father's library: Julio Cortazar, Leopoldo Marechal, Juan Péron, Rodolfo Walsh, and Mao Zedong. Authors absent: Silvina Bullrich (often disparagingly referred to as "the great bourgeois lady"), Beatriz Guido, Ezequiel Martínez Estrada, Victoria Ocampo, and Ernesto Sábato⁷⁸ (29-30). In a later section, the narrator notes that his father had underlined only one sentence of one of the books: "I have fought the good fight, I have finished the race: I have kept faith" (33), which compels him to reflect on the difference between his and his parents' generations:

I *hadn't* fought, ... no one in my generation had fought; something or someone had already inflicted a defeat on us and we drank or took pills or

wasted time in a thousand and one ways as a mode of hastening an end [...] my father's generation had been different, but, once again, there was something in that difference that was also a meeting point, a thread that went through the years and brought us together in spite of everything and was horrifically Argentine: the feeling of parents and children being united in defeat. (34)

As Pron's unnamed narrator illustrates, the ultimate legacy of Sábato's insidious "Two Demons" theory is perhaps the unconscious division of Argentine society into "the demons on the left" or "the demons on the right." By crafting an unfounded narrative that portrayed the horrors of the *Proceso* as a result of two equal "terrorisms," Sábato fomented a false moral equivalency between absolute state violence and the reactionary resistance to it. In doing so, later generations – who have internalized this theory – are now dividing their world according to its precepts. In negotiating the trauma of the past, many young Argentinians are now effectively "picking sides" in a putative moral enterprise. Since, according to Sábato's historical narration of the *Proceso*, the violence was equal "on both sides," there is thus less stigma in attempting to morally excuse the dictatorship for their unspeakable oppression. In recent years, in fact, several prominent figures have publicly repeated many of *Nunca Más*' most dangerous "Two Demons" misconceptions as a means of distancing their generation from the perceived militancy of the 1970s and 80s.

In 2011, controversial poet Santiago Llach – the author of eight books of poetry and regular contributor to a number of popular men's magazines – publicly attacked acclaimed poet-laureate Juan Gelman for his association with the leftist resistance movement during the dictatorship. Gelman – who is arguably Argentina's best-known living poet⁷⁹ – was

forced into exile by the juntas after his son and pregnant daughter-in-law were disappeared by the regime. From exile in Mexico and Europe, Gelman published thirteen collections of poems that directly confronted the horrors of the *Proceso*, often pseudonymously attributing his works to actual *desaparecidos* by borrowing their names from lists of the “Disappeared.”⁸⁰ Upon returning to Argentina in 2000, Gelman managed to locate his granddaughter, who was born before her mother’s murder and illegally given to a pro-dictatorship family.⁸¹ The return of one of the nation’s most treasured poets, along with the fervid media attention surrounding the discovery of his granddaughter, thrust Gelman back into the public spotlight, where he was targeted by a handful of younger literary and academic figures for his previous resistance to the authoritarian regime. As part of a wider critique of the supposed role of the left during the period of state repression, Llach and philosopher Oscar del Barco attacked Gelman’s status as a “poet-martyr,” erroneously accusing him of belonging to groups that “killed innocent people” and repeating the “Two Demons” thesis that all those who resisted the dictatorship were death-dealing terrorists.

In an interview with journalist Germán Carrasco, Llach asserted: “*Este tipo, que cada año nos regala un libro más horrible que el anterior, formó parte de un delirio organizado por los jóvenes de clase media que mató a inocentes propios y ajenos.*” (“This guy [Gelman], who each year gives us a book more horrible than his last, was part of a hysteria organized by young middle-class leftists who killed innocent people and others”) (Carrasco, “Santiago Llach,” translation mine). Following this initial accusation, Llach then reiterates one of the most controversial and pernicious falsehoods disseminated by the *Nunca Más* report: “*La dictadura desapareció a lo sumo a 8000 personas, eso lo sabe todo el que esté un poco informado. Pero las organizaciones de derechos humanos tienen el leit motiv de los 30000 desaparecidos ... Y creo que legalmente es difícil argüir que se trató de un genocidio*” (“The dictatorship killed at the most 8,000 people, anyone who is even

slightly informed knows this. But Human rights organizations have the idea of 30,000 disappeared ... it's hard to argue that it was a genocide, so they increased the number [to 30,000]" (Ibid.).

This erroneous claim, which has been refuted by Amnesty International and the U.S. State Department among others, is based on Sabato's assertion in the prologue to *Nunca Más*: "We have discovered close to 9,000 of these unfortunate people who were abandoned by the world. We have reason to believe that the true figure is much higher. Many families were reluctant to report a disappearance for fear of reprisals. Some still hesitate, fearing a resurgence of these evil forces" (i).⁸² While the CONDAP commissioners were indeed only able to corroborate a small fraction of the cases in the limited scope of their investigations, and with their meagre resources, *Nunca Más*' misleading and deeply troubling "official" depiction of the genocide as a seemingly negligible clash between two willing adversaries continues to determine the national discourse on the *Proceso*. To this day, despite the many substantial and public challenges to it, *Nunca Más* endures as the seemingly state-sanctioned and authoritative master-narrative on those years of terror.

Propitiously, on the occasion of the thirtieth anniversary of the *Nunca Más* report, in February 2006, Eudeba re-issued a special commemorative edition of the report that included an additional preface by the National Human Rights Secretariat. The new preface, ordered by then President, Néstor Kirchner, included language intended to correct the "Two Demons" thesis.

Es preciso dejar claramente establecido - porque lo requiere la construcción del futuro sobre bases firme - que es inaceptable pretender justificar el terrorismo de Estado como una suerte de juego de violencias contrapuestas, como si fuera posible buscar una simetría justificatoria en la acción de particulares frente al apartamiento de los fines propios de la Nación y del

Estado que son irrenunciables. (“It must be clearly established – because we must construct our future on solid ground – that it is unacceptable to justify state terrorism as a kind of game of contrasting violence, because when a nation and state deviate from functions that are inherent to them and cannot be renounced, there is no justification to be found in any symmetry of individual actions.”) (*Nunca Más*, 2006 edition 8, translation mine)

In an interview with *Página/12*, undersecretary of Human Rights, Rodolfo Mattarollo, explained the reason behind the new preface:

El prólogo histórico del Nunca Más está recorrido de un extremo a otro por la doctrina de los dos demonios. Si bien sostiene que hubo un terrorismo que fue más grave que el otro, dice que hubo dos terrorismos y que uno fue la causa del otro: la llamada violencia de abajo fue la que generó la violencia de arriba, que fue peor, más condenable porque se practicaba desde el Estado, pero fue en respuesta a una violencia de abajo. Esto nos parece una falsedad. (“The historical prologue of *Nunca Más* is permeated from one end to the other by the theory of the two demons. While it claims that there was one terrorism that was worse than the other, it says that there were two terrorisms and that one was the cause of the other: the so-called violence from below was what generated the violence from above – which was worse, more condemnable because it was practiced from the State – but it was in response to violence from below. This seems to us a falsehood.”)
(Ginsberg, translation mine)

Mattarollo then adds:

Nos pareció que equivalía en Argentina a lo que se llama el negacionismo en Europa respecto de los crímenes de los nazis. Así como en Europa hay una frontera que parece que no se debería sobrepasar por cuestiones éticas, nos parecía que en Argentina ésa era la frontera. (“In the historical prologue of the CONADEP report, there was an attempt to justify state terrorism... We thought it was the Argentine equivalence to what is called Holocaust denial in Europe regarding the crimes of the Nazis. Just as in Europe, there is an ethical line that must not be crossed, in Argentina the ‘two demons’ theory was that line.”) (Ginsberg).

Alongside the new preface, Eudeba’s 2006 edition also included several corrections and updates to Sábato’s report, including a new section that now includes the names of the disappeared and an updated list of the clandestine detention centers, which went from 365 to 498.

In defense of Sábato’s original prologue, fellow CONADEP member, Magdalena Ruiz Guiñazú – who served as the “star” anchorwoman for the dictatorship’s propaganda news network, Station 11, during the juntas – criticized the addition of the new preface to the 2006 edition. “*No sólo es una insolencia hacia Sábato*” (“Not only is it an insult towards Sábato”), Ruiz Guiñazú told *La Nación*, “*sino que también es una grave falta histórica creer que el Nunca Más constituye una apología de la teoría de los dos demonios*” (“but it is also a serious historical failure to believe that *Nunca Más* is an apology for the theory of the two demons”) (Galak “*Controversia por el prólogo*,” translation mine). She added that several jurists, and even officials from Kirchner’s government, had offered their support for Sábato.

In response to Guiñazú, the president of the *Madres de Plaza de Mayo*, Hebe de Bonafini, praised the new edition of *Nunca Más* and called Sábato’s text “shit” (Galak).⁸³

Chapter 2 Notes

¹ The first was the 1975 Greek “Junta Trials.” Although the Greek transitional government did not publish a comprehensive report on the proceedings of these trials, Amnesty International did produce its own independent report on the third and final court case, the so-called “Torturer’s Trial.” It should also be noted that Bolivia’s *National Commission for the Investigation of Disappearances* was founded contemporaneously with the Argentine Commission (while similar transitional justice processes would soon unfold in several other Latin American countries, including Chile, El Salvador, and Guatemala).

² The junta’s name is ironic, since it did just the opposite of reorganizing: “The decentralized nature of the regime’s apparatus conferred on the violence an aspect of terrifying randomness, whose ultimate effect was the shattering of whatever sense of collectivity might have survived the first round-up of intellectuals, labor leaders, and guerillas” (Colá 127).

³ Unless noted otherwise, all quotations from *Nunca Más* refer to the English translation of the original 1986 edition, published by Farrar, Straus and Giroux.

⁴ As former military officer Adolfo Scilingo revealed, senior military officers had told participants in the flights that the Catholic Church hierarchy sanctioned the “death flights” as “a Christian form of death,” since it was the sea that killed them, not a man under God (Verbitsky 27). Several military chaplains are reported to have even “bless[ed] the drugged bodies of [victims] marked for execution as they were loaded onto military planes, from which they were then hurled to their deaths” (Anderson). The Church’s history of providing moral support for the juntas has been well documented. The current Pope, Francis, who was

a Provincial Superior of the Jesuit Church at the time, has faced numerous accusations of having actively pointed out so-called “left-leaning” priests to the Military, several of whom were later “disappeared.” His predecessor, Archbishop Juan Carlos Aramburu, openly sided with the military’s stated need for a purge, in which freethinking priests and nuns were also killed. In 1955, a faction of radical Christians within the Air Force adorned their aircrafts with crosses and other church symbols, before flying over the Plaza de Mayo and dropping aerial bombs on a crowd gathered see President Péron give a speech. 308 civilians were killed.

⁵ Although the first edition of the *Nunca Más* report estimated a total of 8,960 “disappeared” (NM 447), various human rights groups (including the *Madres de los Plaza de Mayo* and Amnesty International) have since suggested the total number of murdered or “disappeared” to be greater than 30,000. While reports from the U.S. State Department suggest a number of 22,000 (see: Diaz and Filipe A-8), the most commonly cited number today remains 30,000. For a detailed analysis of the disparity surrounding these numbers, see: Brysk, Alison. “The Politics of Measurement: The Contested Count of the Disappeared in Argentina.” *Human Rights Quarterly*. Vol. 16, No. 4 (Nov., 1994), pp. 676-692.

⁶ Like the Allied occupiers in Germany, the Alfonsín administration was faced with the problem of having many high-ranking officials who remained loyal to the former dictatorship’s ideology after the return to democracy. However, unlike the American denazification program, the new Argentine administration settled for a more subtle approach to subduing this faction, opting instead to serve as a political and ideological intermediary between the former authoritarian regime and the human rights groups who opposed them. This dynamic is covered in detail in the following sections.

⁷ For Alfonsín’s transitional government, the most critical obstacle to establishing a successful and prosperous democracy (besides the mollification of the armed forces) was the stabilization of the crumbling national economy. As a result of the “huge foreign debt that the old dictatorial regime had contracted” through its excessive and “irresponsible” military spending (Alfonsín 15) – including “a near war with Chile in 1978 that sent the dictatorship on an arms-buying spree, feeding uncontrolled deficits” (Schumacher 1077) – the nation’s economy was teetering on the brink of collapse. By the end of the dictatorship, domestic industries had begun to crumble and inflation had risen to an astonishing annual rate of over one thousand percent, causing the value of the peso to plummet to record lows (Neiburg 608). In a futile attempt to compensate for the soaring inflation, General Galtieri – the last leader of the dictatorship – introduced a new peso (with ten-thousand old pesos exchanged for each new one), but efforts to stem the problems were thwarted when, in late 1982, Argentina came into conflict with the United Kingdom over the Falkland Islands (*Islas Malvinas*).

⁸ For an extensive review of the initial “internal” inquiry conducted by the Supreme Council of the Armed Forces, see: Perelli, Carina. “Settling Accounts with Blood Memory: The Case of Argentina.” *Social Research*, vol. 59, no. 2, 1992, pp. 415–451.

⁹ Following Mexico’s sovereign default of 1982, the majority of Latin American countries were thrust into an acute debt crisis, often referred to collectively as the “Lost Decade,” where their foreign debt exceeded their earning power and they were not able to repay it. Following Mexico’s inability to service its debts, General Galtieri approached the IMF for financial assistance. See: de Beaufort Wijnholds, J. Onno. “The Argentine Drama: A View from the IMF Board,” in *The Crisis that Was Not Prevented: Lessons for Argentina, the IMF*,

and Globalisation. Eds Jan Joost Teunissen and Age Akkerman. Forum on Debt and Development: The Hague, 2003. pp. 101-115.

¹⁰ During the dictatorship, which lasted from 1976-1983, there were three successive “juntas” (de-facto administrative councils). As such, the three leaders of each of the three juntas were charged under Decree 158. Thus, nine men were arraigned in total: Lieutenant General Jorge Rafael Videla (Army), Chief Admiral Emilio Eduardo Massera (Navy), Brigadier General Orlando Ramón Agosti (Air Force); Lieutenant General Roberto Eduardo Viola (Army), Chief Admiral Armando Lambruschini (Navy), Brigadier General Omar Graffigna (Air Force); Lieutenant General Leopoldo Galtieri (Army), Chief Admiral Jorge Anaya (Navy), and Brigadier General Basilio Lami Dozo (Air Force).

¹¹ This would later be made official in 1987 with the passing of the Due Obedience law, which officially dictated that all officers and their subordinates – including common personnel of the Armed Forces, the Police, the Penitentiary Service and other security agencies – could not be legally punished for crimes committed during the dictatorship, since they were merely obeying orders from their superiors.

¹² Although the commission was instructed to work with several human rights groups, only one – *La Asamblea Permanente por los Derechos Humanos* (“The Permanent Assembly for Human Rights”) – participated because of opposition to Alfonsín’s “Two Demons” hypothesis. See: Crenzel 2008, 179.

¹³ These included, among others: novelist Ernesto Sábato, author and journalist Magdalena Ruiz Guiñazú, educator Hilario Fernández Long, and philosopher Gregorio Klimovsky.

¹⁴ Witnesses could register to testify before local representatives from CONADEP.

While the Commission collected over seven thousand testimonies, the prosecution chose “the 700 most representative and provable cases” to be read during the trials (Speck 493).

¹⁵ Indeed, they continue even to this day, since President Néstor Kirchner reopened the trials in 2006.

¹⁶ Following the return to democracy, Ruiz Guiñazú became an ardent spokesperson for the *desaparecidos* and their families, becoming the first high profile journalist to give voice to the *Madres de Plaza de Mayo* on her radio program. She would later be awarded prestigious Orders of Merit from both the French and Italian governments for her defense of universal human rights.

¹⁷ As Sábato points out in the introduction to *Nunca Más*, “[President] Alfonsín had made two commitments to the nation [following the return of democracy]: to investigate the disappearances, and to prosecute those responsible. The Commission (CONADEP) was charged only with the former: it was not a judicial body, and its report, *Nunca Más*, made no judgments of individual responsibility” (*Nunca Más* xvii). In other words, the report was simply meant to *investigate* and report on “the fate of the people who disappeared during those ill-omened years” (*Nunca Más* i), while any judgments of criminal guilt and responsibility would be administered by the courts. *Nunca Más* was to provide the story of the victims, in other words, while the ensuing tribunals would attend to the legal particulars.

¹⁸ President Alfonsín, in a 1992 speech delivered at the Salzburg Conference on Justice in Times of Transition, stated: “There was a tradition in Argentina that after each dictatorship, the crimes and abuses committed by the authoritarian government would go unpunished. My administration, moved by an urgent ethical imperative, for the first time

opened the judicial channels so that the extreme violations of human rights perpetrated by both revolutionary terrorism *and* state terrorism could be investigated and judged by an independent judicial body. Thus the impunity of the powerful would come to an end” (Alfonsín 15-16. Italics mine).

¹⁹ In 1951, Sábato published an essay, “*Hombres y engranajes*” (“Man and Mechanisms”), detailing his disillusionment with Socialism and the Communist International organization, citing Bréton’s influence. For a detailed account of Bréton’s and the Surrealist’s initial embracing, and subsequent renunciation, of the Communist International ideals, see: Short, Robert S. “The Politics of Surrealism, 1920-36.” *Journal of Contemporary History*, vol. 1, no. 2, 1966, pp. 3–25.

²⁰ While it might seem somewhat unconventional to the Western eye for a novelist to be appointed to such a prominent government position, there is, in fact, a long history of Latin American writers serving in such roles. As Elena Poniatowsky and Carlos Rerez note: “Romulo Gallegos and Juan Bosch have been presidents of their countries. Ernesto Cardenal was Nicaraguan minister of culture. Gabriel Garcia Marquez has numerous times been offered the presidency of his country and declined in the same *guayabera* in which he received the Nobel Prize. Successive [Mexican] governments have offered Octavio Paz official posts, and his name has been mentioned, along with that of Carlos Fuentes, to head the Ministry of Foreign Affairs, following in the tradition of writer-diplomats throughout the history of Latin America: Alfonso Reyes, Pablo Neruda, Enrique Gonzalez Martinez, Miguel Angel Asturias. Recently, Mario Vargas Llosa was a candidate for president of the republic of Peru, and if *Cardenismo* triumphs in Mexico, surely Carlos Monsivais will be named to the Ministry of the Interior or as chief of police.” (“Memory and Identity” 76)

²¹ Following the successful coup, Sábato and Borges famously attended a dinner held by the regime's first dictator, General Jorge Rafael Videla, after which Sábato publicly declared that he was "impressed" by Videla, commenting that the dictator "was a cultured man" (Bowen "Sábato: Literature's Conscience").

²² The term "dictatorship" refers here to the Péron government, which many on the right categorized as an authoritarian regime. This remains a highly contentious issue for many Argentines. Sábato's English biographer, Harley Dean Oberhelman, reiterates this view, often referring to "the dictator Péron" and his "ruthless wife Eva" (see Oberhelman 39). The generational debate regarding the Péron years is brilliantly illustrated in Patricio Pron's novel, *My Father's Ghost is Climbing in the Rain* (2013).

²³ The *Indigenista* or "Nativist" literary movement refers to the "pre-Boom" generation of writers across the Spanish Americas (as well as Brazil). While both schools were mainly comprised of middle-class white males, the *Indigenista* movement was considered to be highly derivative of European literature, was distinguished by its conventional linear plots, and centered on expressions of regional social and political issues – whether national, provincial, transnational (ie. Andean), or continental. On the other hand, "Boom" literature is often identified by experiments in form and narration, the use of magical realism and other surreal or fantastical elements, and modernist nonlinear temporal structures. While a great deal of Boom novels are also overtly political – specifically the sub-genre of Dictator Novels – their politics tend toward a more nuanced representation than the black-and-white, Manichean portrayal of the earlier generation.

²⁴ Following the popularization of socialist and communist ideals across the post-WWII Americas, peasantry and rural life became widely romanticized. Like many writers of

his generation, Sábato's novels often contrasted the *gaucho*-ethics of poor, working-class Argentines and *campesinos* with the decadence of the "old" bourgeois aristocracy.

²⁵ See Sábato's interview with Geoffrey Fox, "Fiction and Politics: Interview with Ernesto Sábato," in *The Threepenny Review* (1988), for a detailed account of his lofty literary aspirations, as well as his effusive admiration of Dostoyevsky.

²⁶ Caistor also served as translator of the English version of *Nunca Más*.

²⁷ Here, Caistor misclassifies the *Nunca Más* "prologue" as a "preface." As will be discussed, there is a critical distinction to be made between a preface and a prologue.

²⁸ For a detailed account of some of the "narration problems" discussed by specific members of the Commission – including how to avoid having the report read "too much like a summary of court files"; whether the report's linguistic style (such as discernable markers of social class or the use of technical language) would appeal to all readers or deter certain demographics; and the most suitable order with which to "map out the sequence of abduction, torture, and disappearance"– see: Crenzel, *The Memory* 68.

²⁹ For a detailed account of these "levels of culpability," see: Graciela Fernandez Meijide, "The Role of Historical Enquiry in Creating Accountability for Human Rights Abuses," *Third World Law Journal*, Vol. 12, 1992, p. 269.

³⁰ As Maarten Van Delden notes, "Sabato spent much of his career in the shadow of Borges. When somebody once mentioned to Borges that Sabato was being promoted by his Italian publisher as 'the rival of Borges,' Borges merely observed that no one had ever described him as 'the rival of Sabato'" ("Sábato: Author of 'Death and the Compass'" 44).

³¹ See: Riggan, William. "The 1984 Jurors and Their Candidates for the Neustadt International Prize for Literature" *World Literature Today* 58.1 (Winter 1984): p54.

³² For instance: Domingo Faustino Sarmiento's *Facundo: Civilization and Barbarism* (1845), Miguel Ángel Asturias' *El Señor Presidente* (1963), Alejo Carpentier's *Reasons of State* (1974), Frankétienne's *Ready to Burst* (1975), Gabriel García Márquez's *The Autumn of the Patriarch* (1975) and *The General in His Labyrinth* (1990), Augusto Roa Bastos' *I, the Supreme* (1974), Julio Cortázar's *A Manual for Manuel* (1978), Luisa Valenzuela's *The Lizard's Tail* (1983), Julia Alvarez's *In the Time of the Butterflies* (1999), Mario Vargas Llosa's *The Feast of the Goat* (2000), and Roberto Bolaño's *By Night in Chile* (2003).

³³ While several "Dictator Novels" were written in real-time – typically from exile – authors often based their narratives on an amalgam of various regional tyrants or regimes in order to avoid violent retaliation (for both them *and* their families). For instance, Marquez's novel, which is based on an amalgam of several Latin American dictators (including Juan Vicente Gómez of Venezuela, and Augusto Pinochet of Chile), was written from Barcelona with a watchful eye on the escalating situation in Chile and Colombia. Likewise, Carpentier's *Reasons of State*, about the Machado regime in Cuba, was written from the author's exile in Paris, where he fled after a brief stint in prison for opposing the Machado dictatorship. On the other hand, Bastos' *I, the Supreme* was composed during a period of political exile spent in both Argentina and France, from where he observed the horrors of the Alfredo Stroessner regime in his native Paraguay. Similarly, Vargas Llosa's *The Feast of the Goat* was written about Dominican dictator Rafael Trujillo as the author bore witness from both Peru and Spain; Cortázar's *A Manual for Manuel* was written from exile in Paris; and Bolaño's *By Night in Chile* and *Distant Star* both reflect the author's experiences witnessing the Pinochet regime while living abroad in Mexico.

³⁴ A famous anecdote – almost mythical by now, in its countless renderings – depicts Carlos Fuentes gathering together a legendary group of Latin American authors in a Mexican pub, some time around 1970 (Monterroso, who may or may not have been in attendance, says it was 1968), to address the continent’s many current and past dictators. Fuentes, together with Peru’s Mario Vargas Llosa, Argentina’s Julio Cortázar, Colombia’s Gabriel Garcia Marquez, Cuba’s Alejo Carpentier, Paraguay’s Augusto Roa Bastos, and Chile’s José Donoso (other versions include Guatemala’s Augusto Monterroso, Venezuela’s Miguel Otero Silva, and the Dominican Republic’s Juan Bosch), would each compose a short novella – “no more than 50 pages” each– depicting “their favorite national tyrant” (Fuentes, “Despot”), which would then be collected and published in a volume resembling Edmund Wilson’s literary portraits of American Civil War figures, *Patriotic Gore* (1962). As Fuentes recalls, “The collective volume would be called *Los Padres de las Patrias* (“The Fathers of the Fatherlands”), and the French publisher Claude Gallimard took it up instantly” (Fuentes, “Despot”). The volume never did materialize, but its near-mythical status in the Latin American cultural imaginary helped propel the genre to a renaissance in the 1970s – when many Central and South American nations once again suffered under brutal right-wing dictatorships as a part of Operation Condor. Many of the writers in attendance – all males, it should be noted – *did* go on to publish their own “Dictator Novel,” in time. Given Sábato’s forthright desire to be regarded as a literary equal to the likes of Fuentes, Marquez, Vargas Llosa, and Donoso, and his candid admissions of occasional bouts of jealousy, it is interesting to read *Nunca Más* in the context of this genre.

³⁵ Comprised of a supposed excerpt from a missing police report, the prologue to *On Heroes* seduces readers with the revelation that they are about to embark on the story of a

grisly murder-suicide: the shooting of Fernando Olmos – the patriarch of an “old” and “prominent” Buenos Aires family – by his daughter Alejandra, who then burned down her family’s once-grand ancestral home in a brutal act of self-immolation. In a gesture that anticipates *Nunca Más*’ opening salvo – which proclaims that all of “Argentina was torn by terror” by the left and right – *On Heroes*’ prologue begins with a similar assertion that all of Buenos Aires had been “shocked” by this terrible crime, in which a handful of socially-isolated radicals wreaked havoc on the capital. [As Carolyn Coles Thorburn notes, in several of his fictional and non-fictional works, Sábato has demonstrated a clear propensity to draw on the archetypal image of the isolated hero: “in which the hero experiences the ritual of social expulsion,” becoming “tragically separated from society” (iii-iv). The social isolation of Fernando, Alejandra, and Martin, anticipates Sábato’s characterization of both the so-called leftist “terrorists” and the military dictatorship in the *Nunca Más* report, as two anomalous, interloping forces that exist outside of and terrorize the civilized community.]

Sábato draws on these initial assertions, in both texts, to establish a unique position of narrative authority; the prologue-figure warns us that these gruesome and shocking crimes are fraught with portentous moral and political significance, which – if readers are patient and attentive – will now be carefully explained throughout the remainder of the work.

Both the novel and the report begin with an authoritative prologue-figure (a police detective in *On Heroes* and the lead investigator of the Commission in *Nunca Más*) informing readers that Argentina has been devastated by a brutal act of political violence that threatens the very survival and prosperity of the nation. With bold histrionic flare, the seemingly judicious and all-knowing prologue-figure (a Sábato-like personage in the novel, and Sábato-the-man in the report) then suggests he, alone, possesses the wisdom and moral propriety to deliver the

nation from this threat. In *On Heroes*, this figure is not only in possession of crucial “classified” and previously undisclosed information regarding Alejandra’s crime – the curious “Report on the Blind,” which Fernando had drafted on the night of his death, concerning a mysterious “blind cult” whom he suspects of attempting to control the world – but he also claims to be singularly qualified to interpret the portentous and “sinister” political meaning of the violence.

³⁶ According to interviews conducted by Emilio Crenzel following *Nunca Más*’ first two publication runs, more than fifty-percent of readers *only* read Sabato’s prologue (*Memory* 98), while another thirty-percent read the prologue and specific sections, “mostly those dealing with the disappearance of famous people” (98) and “only one in ten readers finished the entire book” (143). While it is possible that Crenzel’s data simply points to a general disinterest by the Argentine public in wading through a dense, statistic-laden government report, it may also be indicative of a widespread apprehension to rehash the gruesome details of the tortures, rapes, and murders so immediately following the cessation of violence. What Crenzel’s data fails to indicate, however, is the extent to which Sábato’s formal and stylistic framing of the dual narratives facilitates – perhaps even encourages – this type of piecemeal reading. “In contrast to their limited reading,” Crenzel notes, “most [respondents] vividly recalled the actual moment they bought the book and how they showed it proudly to friends and acquaintances” (*Memory* 98-99).

³⁷ Italian philosopher, Antonio Negri, was famously arrested for supposedly masterminding Moro’s kidnap and attempting to overthrow the government, before being exonerated and released a year later.

³⁸ Although university courses on “Péronism” were officially prohibited by the military regime, massive reforms to the university structure implemented during Péron’s rule made it difficult for the junta to police these policies.

These reforms, implemented at all universities, included the nationwide legislation of free tuition (followed by a massive media-campaign to encourage members of the lower classes to attend university) and a radical new tripartite system of governance in which equal parts – students, faculty, and alumni – would govern each university with equal authority. These radical Péronist reforms resulted in large swaths of the “working class” entering universities, who now also had the authority to dictate one third of the curriculum – giving rise to a pronounced increase in unpublicized courses on Leftist and Populist ideologies, and the implementation of many student organizations that aligned themselves with worker’s unions.

During this time, the state-controlled media (under the auspices of the military regime) had increasingly begun to fabricate a false association between the growing student movements and the activities of fringe guerilla groups, such as the “Montoneros.” Within the wider Latin-American context of revolutionary movements – especially the Cuban Revolution, the Revolutionary Nationalist Movement in Bolivia, and The Revolutionary Armed Forces (FARC) of Colombia – many right-wing governments had begun to crack down on what they considered to be any form of “leftist” dissent among their populations, often beginning with students and worker’s unions who had no real associations with militant guerilla organizations. Often, activists participating in legitimate civil rights or student movements (akin to their counterparts in North America and Europe during the 1960s) were branded as “subversives” or “agitators,” and were thus falsely associated with

the small number of violent fringe revolutionary movements operating across the continent. As future dictator Rafael Videla stated, “A terrorist is not just someone with a gun or a bomb; it is anyone who spreads ideas that are contrary to Western or Christian civilization” (Bouvard, 37). Within this fraught Cold War-context, many young non-violent activists were caught up in the repressive violence of the increasingly common military juntas across the region (most of which were backed by the American C.I.A. as a part of “Operation Condor” in a systematic attempt to eradicate communist or Soviet influence and ideas in the Americas).

This military-dictatorship ended when, in 1958, the junta held a limited form of elections that were overseen by the Armed Forces, and the centre-left “Intransigent Radical Civic Union Party” (who had been endorsed by Péron while in exile) was elected. However, only four years later on March 29, 1962, another coup led by General Raúl Poggi ousted the RCUI, replacing the democratically-elected government with yet another military-backed dictatorship – [Although supported by the Armed Forces, the 1958 coup was notable in that it represented the first (and only) time that a civilian dictator, José María Guido, would assume the role of *de facto* President following a military coup]. This junta ended just one year later, in 1963, when elections were once again called (in which Péronist parties were once again banned) and the moderately reorganized Radical Civic Union Party (now called the Radical Civic Union of the People) was re-elected under the leadership of Arturo Illia. On March 17, 1965, during the elected presidency of Illia, a legislative election was called, which would drastically reorganize the executive branch of the Argentine government. “Péronists” – who Illia had temporarily allowed to participate in the Cabinet election in an attempt to win the support of the trade unions – succeeded in electing a surprising majority

fifty-two cabinet ministers, while rumours began to circulate among party members of Péron's return (Rock 211). Deeply unnerving the Argentine Armed Forces, yet another coup, this time led by General Juan Carlos Onganía, quickly overthrew Illia's elected government on June 28, 1966. This seizure of power was largely a reaction based on the misguided fear that the newly elected "Péronist" cabinet ministers would foster the growth of both trade unions and increasing civil rights movements among students. In order to "justify" the coup, the military once again disseminated fabricated reports of associations between these groups and the small and relatively obscure group of radical fringe guerilla organizations operating in a handful of rural provinces.

On the basis of such fear mongering, Onganía sent the military into the University of Buenos Aires on July 29, 1966, on what is now ominously referred to as *La Noche de los Lápices Largos* ("The Night of the Long Pencils"). This event was depicted in Hector Olivera's 1986 film "*Night of the Pencils*." Specifically targeting the 'Faculty of Philosophy and Letters' and the 'Faculty of Natural Sciences,' the forces furiously attacked and illegally imprisoned over four hundred faculty and students (with at least six students ultimately murdered by their captors), while destroying all of the labs and the main library. The incident was later highlighted during the trials against the Junta, when one of the surviving students, Pablo Díaz, gave his testimony (Robben 214). Onganía had believed that many of the so-called "subversive" ideologies inimical to the military Juntas began at the University, and was convinced that by subduing the inflammatory rhetoric of students and faculty bodies, he could stifle the actions of the unassociated armed groups and unions. During the raid, the Dean of Natural Sciences, Rolando Garcia, came out to defend the University, and was subsequently beaten nearly to death with a police baton, cracking his skull open. Following

this massacre, Garcia, along with a large number of faculty members (including over three-hundred scientists), fled the country in a mass voluntary exodus; an event which is now referred to as “The Flight of the Brains.”

What is particularly important to note here is that, from this moment on, all students, faculty members, and union workers were *officially* labeled “subversives” by the military junta – in the same category as armed guerrillas – and subsequently targeted during a series of increasingly violent actions across the country.

Following “The Night of the Long Pencils,” a series of mass protests, especially in the provinces of Rosario and Córdoba, took place involving both students and union workers. General strikes were called, and thousands of workers organized demonstrations in the streets for political freedom and to put an end to the military dictatorship. At this time, these worker’s unions were the main – if not the only – organized peaceful opposition to the military regime. However, in May of 1969, there was a vicious backlash from the military during one of these protests, and several hundred workers were killed (an event that is now referred to as the “Córdobaazo uprising”). After the Córdoba incident, additional protests began to spring up across the entire country (not only by students and workers, but also *for the first time* involving common citizens – including bankers, business owners, and members of the Catholic church), which would eventually lead to the removal of Onganía from power and initiate another national election.

Owing to the massacres at the University of Buenos Aires in 1966 (“The Night of the Long Batons”), and the incidents at Córdoba and Rosario in 1969 (as well as the influence of the May 1968 events in France), the support and sympathy for worker’s unions was at its height in Argentina – even amongst those classes and demographics who would

normally not otherwise affiliate with them. Simultaneously, the industrial sector was booming (particularly the steel and car industries), so, as the popular theory goes: with the growth of the industrial class, the strengthening organization and influence of unions, and the increasing education of the “lower classes,” the conditions for the “return of the Left” were in place.

The 1973 election would represent a crucial turning point for the country, since the prohibition against “Péronist” political parties had finally ended and they were now officially allowed to take part in the popular vote (although Péron, himself, was indefinitely forbidden from participating). In order to circumvent the veto on Perón’s participation, Héctor Cámpora ran as Péron’s stand-in, ultimately capturing the popular vote largely on the support of the left-wing branch of the Péronist party. For the first time since 1955 the Péronists were officially back in power, clearing the path for Péron’s return from exile. The right-wing faction of the party, however, had felt betrayed by Cámpora’s electoral platform, which pledged to boost worker’s unions while prioritizing the nationalization of many industrial sectors. On the basis of Cámpora’s platform, a deep political rift within the Péronist party developed between the working classes and the landowning elites. On the day of Perón’s return, in the midst of a large gathering of left-wing Péronists (estimated to be more than three and a half million) who had assembled at the Ezeiza Airport in Buenos Aires to welcome him, camouflaged snipers from the right-wing branch of the party opened fire on the crowd, killing at least thirteen members of the Péronist Youth Organization and the “Montoneros,” and injuring more than three-hundred and sixty supporters. Following the “Ezeiza Massacre,” Cámpora stepped down and Péron was once again inaugurated as President, with his second wife, Isabel, this time serving as Vice President. As the country

was increasingly shaken by growing political discord – not only between various classes, but now even within the same political parties – Péron was seen as the only person capable of stabilizing the increasingly divided nation. However, in July 1974, less than two years after resuming his Presidency, Péron suffered a series of fatal heart attacks and Isabel was sworn-in as his successor. Almost immediately, the new President began to crack down on the Leftist wing of the Péronist movement in order to phase in her own more conservative platform. Ignoring her husband’s wishes that she promote his longtime political rival, Ricardo Balbín, to a prominent role in her Cabinet following her husband’s death, Isabel Péron instead promoted notorious hardline conservative José López Rega to the role of Minister of Social Welfare. Before long, she and Rega would establish the “Argentine Anticommunist Alliance” – a far-right death squad established to initiate a series of violent repressive measures against members of the left wing faction of the party, as well as students, civil rights activists, journalists, priests, and unionists – signaling the true starting point for what has since come to be known as the “Dirty War.”

When Lieutenant General Jorge Rafael Videla’s 1976 coup deposed Isabel Péron, the *Proceso de Reorganización Nacional* (“Process of National Reorganization”) was intensified, and the series of horrific events outlined in Sabato’s *Nunca Más* report were now officially set in motion.

³⁹ Consider, for instance, the unique “moral and poetic authority” of Shakespeare’s famous prologue to *Romeo and Juliet*. Like all great prologues, it establishes the scene (*In fair Verona, where we lay our scene*), the principal characters and a brief synopsis of the action (from *two households, both alike in dignity ... A pair of star-cross’d lovers take their life*), as well as an explicit call for the audience’s attention (*Is now the two hours’ traffic of our stage; The which, if you with*

patient ears attend... our toil shall strive to mend). More importantly, the prologue performs the crucial function of informing its audience that the play will, in fact, be a tragedy – about the *fearful passage of their death-mark'd love* – which, owing to the light-hearted romantic tone of the first two acts, would not otherwise be apparent. This crucial perambulatory detail guides the viewer's reception of the entire work, without which, the first half of the play would likely be received as a romantic comedy, and the second half, perhaps, as an Elizabethan revenge tragedy. By way of the prologue, however, the audience is alerted, from the outset, to the play's "tragic" omens and its attendant moral and political lessons regarding blood feuds and civil disorder.

⁴⁰ As Bruster and Weimann suggest, the prologue's origins can be traced back to early Elizabethan theatre, in which a costumed actor would "introduce the play and its particulars, including its themes and moral messages" (Bruster and Weimann 14) prior to the opening act. Although certain antecedents of the prologue can be traced back, from early Greek and Roman theatre through to the Middle Ages (see Bruster and Weimann pp. 10-14), the "prologue" as it is known today took shape on the early Elizabethan stage and was popularized by the likes of Marlowe, Shakespeare, Johnson, and their contemporaries. See Bruster and Weimann (2004) for a detailed history of the origins and development of the Prologue.

⁴¹ Ultimately, the prologue signals that the novel consists of both a manifest *and* a latent content – the extrinsic "story" and the hidden "political meaning" that subsists beneath its surface. For Sábato, however, the latent meaning always takes precedence over the manifest content, effectually elevating his didacticism *above* any diegetic elements in a hierarchical chain of command. In other words, the supposed latent "political meaning" functions as a

pre-determined signifier, which expropriates and overdetermines the novel's plot (in the same way that the Oedipal paradigm overdetermines the latent content of a dream-work). For this reason, the prologue is a necessary rhetorical device for Sábato, in that it alerts his readers to the report's overarching political and moral messages, while also maintaining the pretense that it is – or approximates, in style and tone – a work of fiction (as opposed to an essay or lecture).

⁴² It should be noted that, as the prelude to a documentary human rights report, the prologue to *Nunca Más* operates on a contradictory plane of authorial conviction than the prologue to a work of fiction, since a non-fiction text is contingent upon an implicit agreement between the author and reader regarding the text's presumed veracity. The action of the report, it is assumed, takes place in the lived-world and, as such, does not require the prologue's typical "transitional" function of shepherding readers across what we might call "the threshold of the make-believe." For this reason, non-fiction or documentary texts are rarely preceded by a "prologue" as such, opting instead for the more typical "preface" (in which the author details how or why they came to write the book, notes the sources of primary information, or acknowledges individuals who may have assisted in research, etc.) or a "foreword" (in which someone other than the author provides a critical introduction to the text, often to lend credibility to the book).

While the *Nunca Más* prologue does contain certain elements of both the "preface" and the "foreword" – Sábato, who of course *was* the public figure meant to lend credibility to Commission, begins by referencing how CONADEP came to collect their information and ultimately publish their report – it is irrefutably "prologue-esque" in both name and function. Its primary purpose is to establish the "scene" – to reconfigure recent history in

accordance with the “Two Demons” thesis – and introduce the primary actors – both the *Montonero* guerrillas, many of whom, Sábato fallaciously tells us, “chose to fight it out, and either died in shootouts or committed suicide before they could be captured” (i) and the armed forces, who, he explains, “responded to the terrorists’ crimes with a terrorism far worse than the one they were combating” (i). By employing an explicitly literary prologue as paratext to the *Nunca Más* report, Sábato capitalizes on its unique “transitional” and world-establishing authority to “set the stage” for his controversial interpretation of the *Proceso* as a dramatic Manichean confrontation between the far left and extreme right. Rather than setting the stage for an overtly fictional story, *Nunca Más*’ prologue is employed more subtly, to shrewdly re-fashion and re-orient the everyday world – separating historical events from their material contexts and over-embellishing or dramatizing imagined conflicts between imagined adversaries.

Likewise, whereas a “report” is read in an entirely different way than a novel – a novel typically being read cover-to-cover with the expectation that the plot will advance according to a particular dramatic structure, from the first page to the last – a government or legal report is often read in a much more unsystematic or piecemeal way, often not in its entirety at all. To this end, the prologue to *Nunca Más* was also required to serve as an historical and cultural *summary* of the whole. The *Nunca Más* prologue, as Sábato anticipated, would be many readers’ first definitive contact with the story of the *Proceso*, and as such, would carry the majority of the emotional weight of the solemn “Two Demons” hypothesis.

⁴³ The leftist “terrorists” who often “chose to fight it out, and either died in shootouts or committed suicide before they could be captured” (i) and the armed forces, who

“responded with a terrorism far worse than the one they were combating... in the name of national security” and “Western, Christian values” (i), as Sábato puts it.

⁴⁴ This assumption of ignorance, of course, opens up further space for Alfonsín’s “Two Demons” thesis to become the dominant explanation of recent history. Even if this version of events did not correspond to the majority of Argentinian’s actual lived-experiences, it would provide an exonerating narrative that would soothe their collective conscience. With this crafty manoeuvre, Sábato was free to establish the moral resonance for the remainder of the report, and elevate his own spiritual interpretation of the events above any of the material evidence that would follow. He writes: “The enormity of what took place in Argentina, involving the transgression of the most fundamental human rights, is sure, still, to produce that disbelief which some used at the time to defend themselves from pain and horror. In so doing, they also avoided the responsibility born of knowledge and awareness, because the question necessarily follows: how can we prevent it happening again?” (“Prologue” i).

⁴⁵ Sábato’s contemplative, prayerful meditations on the shocking victim-testimonies – delivered with such sophisticated eloquence – resulted in his being credited with coining several unforgettable monikers for the military’s brutal tactics, including “death flights,” “*los muriendos*” (a play on the Spanish words for both ‘dying’ and ‘placing a hood over a victim’s head’), and the setting of what he calls “mousetraps.” Within the overarching central narrative, Sábato provides the reader with a series of general synopses of these crimes, as well as the setting and atmosphere of the various concentration camps around the country. Infamous detention centers, such as ESMA (*Escuela Superior de Mecánica de la Armada*), Garage Olimpo (which was portrayed in Marco Bechis’ 1999 film of the same name), and Club

Atlético, are encapsulated in the central narrative, which then draw connections between, and provide context for, the individual testimonies.

⁴⁶ A common narrative device in many suspense or crime novels, Sábato's celebrated thriller *El Túnel* (1948) – which serves as an extended confession to the reader of the narrator's murder of a young woman – opens with a similar injunction. In the opening pages of *The Tunnel*, the narrator pleads with the readers to put their trust in his motives for confessing. “You may wonder what has motivated me to write this account of my crime,” he begins, “and, especially, why I want to publish it. I know the human soul well enough to predict that some of you will believe it is from vanity” (Sábato 2011, 3). With this concession, he establishes an intimate one-to-one relationship with the readers, evoking their own personal suspicions and biases, before conceding, “I am sure that none of them would miss the chance to read to the very end the story of a crime” (Sábato 2011, 5).

⁴⁷ The *testimonios*, in other words, simply punctuate Sábato's historical narrative, deepening and enhancing it, but are portrayed as being tenuous and open to question apart from it. The prologue, as the conclusive summary of Sábato's central narrative, is thus elevated *above* the individual stories of personal suffering, suggesting that readers might read one of the gruesome *testimonios*, or possibly a few – as many as their threshold of empathy allows – but the report's true insights are to be found in Sábato's sententious spiritual meditations on them.

⁴⁸ By revealing these apprehensions regarding certain “unimaginable” crimes to the public prior to the report's release and subsequently hinting at the slightest possibility of certain details being “hard to believe,” *Nunca Más* invokes the vicissitudes of the “unreliable narrator” and draws the reader's attention to his or her pre-existing biases and prior

conceptual knowledge of the crimes (or, in most cases, the lack thereof). Particularly, when framed alongside the commensurate claim that “everything in this report did indeed happen,” the invocation of the unreliable narrator is received in an artful, understated manner; one which does not compromise the integrity or veracity of the report, but nonetheless establishes a somewhat muted mutual concession between the reader and narrator with respect to the exasperating lack of information surrounding the crimes and, by proxy, the arduous task of the narrator(s).

⁴⁹ In this way, this narrative device establishes an intimate one-to-one relationship between readers and the ostensible narrator, where the former are no longer peripheral observers of the facts laid out before them, but rather the main subject of the author’s attention. By addressing readers in this manner, Sábato unsettles his readers out of any sort of voyeuristic-passivity. Readers are no longer able to simply gape at the savage accounts of torture described in the report (with an air of passive detachment), but are compelled into an empathetic relationship with the individuals outlined in the victim-files. By provoking such a critical reading of the individual case-stories – set apart from, yet contextualized by Sábato’s overarching historical narrative – *Nunca Más* demands that its readers pay heed to the atrocious details laid before them with the same sense of rigor that the Commissioners exercised in conducting their investigations.

⁵⁰ Following the initial forewarning that “Many of the events described in this report will be hard to believe,” the narrator then doubles-down on the opening injunction, adding: “With this first stage of investigations complete, the Commission on Disappeared People takes the weighty but necessary responsibility for affirming that everything set out in this report did indeed happen, *even if some of the details of individual cases may be open to question*”

(*Nunca Más* 9, italics mine). The implicit message to the reader is that somewhere between the “witnessing” of these seemingly unbelievable horrors and the “conveying” of them, exists an inevitable epistemological disjunction that necessitates the bridging of the two via some form of narrative intervention. It is, therefore, the solemn task of the narrator, to present the victim-testimony *to* the readers.

⁵¹ In several ways, this opening exhortation borrows heavily from one of Sábato’s literary idols – and most vocal admirers – Albert Camus. Camus’ 1947 novel, *The Plague*, opens with a similar injunction, in which the narrator addresses the reader in a similar manner in order to establish his role as an informed and honest “eyewitness” to history: “To some, these events will seem quite natural; to others, all but incredible. But, obviously, a narrator cannot take account of these differences of outlook. His business is only to say: ‘This is what happened,’ when he knows that it actually did happen, that it closely affected the life of a whole populace, and that there are thousands of eyewitnesses who can appraise in their hearts the truth of what he writes” (*The Plague* 4).

⁵² While Sábato provides *Nunca Más* with the all-engrossing, primary historical narrative of the military violence in a detached third-person voice, it is the personal, first person narratives of real-life victims – set off from the main narrative in italics, not unlike the historical vignettes in *On Heroes and Tombs* – that bear the real weight of the action and suspense throughout the report. Introduced in short vignette-style testimonials interspersed throughout Sábato’s overarching narrative, the statements are based on the actual affidavits submitted by real-life victims, injecting *Nunca Más* with an authentic sense of personal suffering and humanizing Sábato’s detached perspective by bringing the reader in close to the action in real time.

⁵³ Such stark, laconic descriptions of the unimaginably sadistic abuse that thousands of victims endured lend the isolated “victim-files” an air of deadening melancholia – as if the mere ability to recount such torture has been reduced to only the most crude, spartan language. These *testimonios* feature no sentimental embellishments, no existential overtures or spiritual digressions; only the most minimal, sober itemization of the wicked abuses experienced at the hands of their own government. And yet, as implied by the opening injunction, it is precisely these austere “individual cases” that the reader is instructed to approach with an air of caution, because “some of the details may be open to question.” They will be “hard to believe.”

⁵⁴ In this way, the narrative structure of *Nunca Más* works by framing these somber, detail-oriented depositions against Sabato’s more broad, literary historical overview of the central frame-story. The report’s success as a history-making instrument hinges upon how the two narrative lines interact with, and against, one another. The stark declaration of Dr. Liwsky, that “*No other explanation was given,*” is instead spelled out in the loose, haunting terms of the central narrative, in which the narrator interprets that: “It was not an excess of repressive activity, it was not a mistake. It was the implementation of a cold-blooded decision” (*Nunca Más* 209-210).

⁵⁵ Prior to the report’s publication, what little information most Argentinians had received about the fates of the “Disappeared” had often come from tenuous underground news outlets, like the *Agencia de Noticias Clandestina* (Clandestine News Agency) created by journalist Rodolfo Walsh in 1976, which only provided fragmentary and often unsubstantiated dispatches when available. What set *Nunca Más* apart from these earlier sources was the way it personalized the victims, allowing them to tell their own stories in

their own words. As Teresa Godwin Phelps notes, “the sheer volume of the text [*Nunca Más*] given over to [victim’s] stories is both surprising and telling. The beginning of Part One, which delineates the abductions and tortures that occurred, is at least half given over to the voices of victims and their relatives, these victims speaking with and above the imposing din of the master narrative” (85).

⁵⁶ In his characteristic style, Sábato also attempts to contain this suspense by subordinating it to the domain of moral injunctions and edifying didacticism, often tampering such dramatic cliffhangers with orotund injunctions such as: “‘Woe to those who abuse a child,’ say the Scriptures. Never, perhaps, has this maxim become such a horrific reality as in the cases related in this chapter” (*Nunca Más* 286). Despite his frequent appeals to the sacrosanct, however – which attempt to force an inexact parallel between the suspense of the narrative and the high-minded ethical mission of CONADEP – Sábato’s spiritual and moralistic interventions come across, more often than not, as more seditious than moralistic.

⁵⁷ This was especially the case in smaller rural towns, where some torturers were recognized by their voice, as Miño Retamozo (File No. 3721) recalls. After being transferred from a large prison in Buenos Aires to a remote detention centre in the northeastern corner of the country, Retamozo noted: “as Formosa was a town with a population of about 100,000, I found that most of those there knew the identity of the torturers” (32).

⁵⁸ As Sábato argued, the public outing of military officers “would make anyone in the military who read it feel ashamed and unable to dismiss it as lies” (Crenzel, *The Memory* 68).

⁵⁹ Both Dr. Norbert Liwsky (File No. 7397) (p. 25) and Lidia Esther Biscarte (File No. 5604) (p. 44), for instance, recall being tormented by *Víbora* (Snake).

⁶⁰ It is perhaps ironic that, in the end, such fortuitous circumstances – the inadvertent foregrounding of random chance-encounters between prisoners, and the necessary decision to give prominence to only those depositions populated by “nicknamed” perpetrators as a means of justifying the “Two Demons” thesis – provided *Nunca Más* with the profound literary and narrative depth that Sábato had desired for the report. Nevertheless, in the end Sábato succeeded in crafting the “profoundly and essentially Argentine” story that he had long endeavored to produce.

⁶¹ By virtue of their very name, “Truth Commission Reports” assert a certain claim to unimpeachable historical accuracy.

⁶² Including *From Madness to Hope: the 12-year war in El Salvador* (which topped many international bestseller lists upon its release in 1993); the *Truth and Reconciliation Commission of South Africa Report*, which helped earn Desmond Tutu the 1984 Nobel Peace Prize; and the *9/11 Commission Report* which garnered significant praise as “an improbable literary triumph” (Richard Posner, *The New York Times*), while topping several bestseller lists and becoming a finalist for the 2004 National Book Awards’ non-fiction category.

⁶³ Naturally, much of the report’s initial demand was a result of the public’s nervous anticipation and the hope that it might finally lift the long-standing veil of silence and misinformation surrounding the disappearances. But, as Emilio Crenzel notes, *Nunca Más*’ lasting success was predicated on its unforeseen ability to “restore the humanity of the disappeared” (*Memory* 82) by humanizing both the victims *and* the perpetrators of the *Proceso*.

⁶⁴ The penultimate page of the report states the following: Among the victims still missing and those who were subsequently released from secret detention centres are people from all walks of life: Blue-collar workers 30.2 %, Students 21.0 %, White-collar workers

17.9 %, Professionals 10.7 %, Teachers 5.7 %, Self-employed and others 5.0 %, Housewives 3.8 %, Military conscripts and members of the security forces 2.5 %, Journalists 1.6 %, Actors, performers, etc. 1.3 %, Nuns, priests, etc. 0.3 %. We can state categorically – contrary to what the executors of this sinister plan maintain – that they did not pursue only the members of political organizations who carried out acts of terrorism. Among the victims are thousands who never had any links with such activity but were nevertheless subjected to horrific torture because they opposed the military dictatorship, took part in union or student activities, were well-known intellectuals who questioned state terrorism, or simply because they were relatives, friends, or names included in the address book of someone considered subversive” (*Nunca Más* 448).

⁶⁵ It should be noted that the slogan, “Never Again,” also became a widely used mantra in the context of the Holocaust during the 1980s. Aside from being adopted as the official slogan of the Jewish Defense League, it was also the title of a bestselling history of the Holocaust by Martin Gilbert in 2000.

⁶⁶ However, this lack of historical reference to the country’s recent political history (which had already seen six coups d’état in the last half-century: in 1930, 1943, 1955, 1962, 1966, and 1976) ignored the long history of democratically-elected governments being periodically overthrown by military juntas, and more importantly, the influence of foreign interventionism (most notably by the United States) that had endorsed many of these takeovers. Taking no account of the rate of occurrence with which democracy had been recurrently displaced by dictatorships in Argentina, *Nunca Más* nonetheless declares conclusively that: “[I]t is only democracy which can save a people from horror on this scale, only democracy which can keep and safeguard the sacred, essential rights of man. Only with

democracy will we be certain that NEVER AGAIN will events such as these, which have made Argentina so sadly infamous throughout the world, be repeated in our nation” (*Nunca Más* 6).

⁶⁷ As well as lower ranking members of the military; international corporations who lent their support (and assets) to the regime; and the many international forces (including the Uruguayan military, the French overseas forces in Algeria, and the CIA who helped train the Argentine military in torture and other repressive tactics).

⁶⁸ Several large American corporations, including Ford and Gillette among others, assisted the dictatorship by supplying vehicles (the military units were exclusively supplied with army green Ford Falcons, the mere sight of which quickly became a source of terror for the general public, for fear of being carried off to certain death) or by allowing them to use their factories as “torture centers” in exchange for the military’s suppression of labour unions that threatened to decrease profits. See: Ian Steinman’s “When Ford Built a Torture Chamber,” for a detailed account of the Ford Company’s complicity with the dictatorship.

⁶⁹ Many of the detention centres (including both ESMA and Garage Olimpo) were quite literally surrounded on all sides by multi-level apartment buildings, houses, businesses, schools and churches. Victims would later recall being able to keep track of time by listening to school children and churchgoers as they played and gathered just outside the walls of their cells. Given the droves of similar accounts, a collective sense of incredulity has permeated Argentine society based on the rationale that those same citizens must have also heard the prisoners’ screams and cries as they endured years of gruesome torture.

⁷⁰ The “Full Stop Law,” passed by the National Congress in 1986 mandated the end of all investigations and criminal prosecutions of people accused of political violence during the

dictatorship and up to the restoration of democratic rule on December 10, 1983. The “Law of Due Obedience,” on the other hand, dictated that it must be assumed, without admitting proof to the contrary, that all officers and their subordinates (including common personnel of the Armed Forces, the Police, the Penitentiary Service, and other security agencies) cannot be legally punished by crimes committed during the dictatorship, as they were acting out of *due obedience* – that is, obeying orders from their superiors. Together, these two laws aimed to put an end to the costly trials that had nearly exhausted federal resources and had paralyzed the legal system and from 1983 to 1986.

⁷¹ A series of events in 1995 once again brought *Nunca Más* to the cultural fore. Firstly, a former petty naval officer, Adolfo Scilingo, shocked the country when he contacted acclaimed investigative-journalist Horacio Verbitsky about confessing to his participation in the notorious “death flights.” As the first person to break the military’s strict code of silence, Scilingo’s graphic and unreserved confessions – including the revelation that the Catholic Church had sanctioned specific methods of murder that the dictatorship had engaged in – roused public memories and reignited a national discussion about military impunity. At the same time, the Supreme Court opened a series of prosecutions against those who trafficked in babies whose mothers were disappeared and killed during the dictatorship, while months earlier, the ruling Justicialist party had ordered the *Nunca Más* report to become a mandatory part of high school curriculum (Feitlowitz 247-249).

⁷² As Andrea Giunta and Liliana Piñeiro note, in 1976, before Ferrari left Argentina in exile, “he glued on paper sheets all articles published in that city about tied, burnt, or shot bodies appearing in Argentinian localities. When the dictatorship ended, Ferrari photocopied those newspaper articles, bound them together, and entitled them *Nosotros no Sabíamos* (*We*

Didn't Know), the very phrase that many people uttered when the existence of hundreds of concentration camps in Argentina was revealed.” (Giunta and Piñeiro 11)

⁷³ See: Porterfield 104-107.

⁷⁴ Recoleta is a very wealthy and historically Catholic neighbourhood, where many influential supporters of the military still live.

⁷⁵ Later, the Tate Modern acquired all thirty original collages from the “Nunca Más” series.

⁷⁶ See Haberman, “Children of Argentina’s ‘Disappeared’ Reclaim Past, With Help.” *New York Times*.

⁷⁷ Like Juan Gelman, Pron adopted the names of his disappeared characters from a list of actual victims. Alberto José and Alicia Burdisso, who were real people murdered by the dictatorship, are the only characters in Pron’s novel who are given names.

⁷⁸ Earlier in his novel, the narrator refers to Sábato as: “a dying, talentless Argentine writer... who is *not* the writer of *The Aleph* [Borges], around whom we all inevitably revolve, but rather the author of *On Heroes and Tombs*, someone who spent his whole life believing that he was talented and important and morally unquestionable and who at the very end discovers that he’s completely without talent and behaved ridiculously and brunched with dictators, and then he feels ashamed and wants his country’s literature to be at the level of his miserable body of work so that it wasn’t written in vain and might even have one or two followers” (8).

⁷⁹ Like Sábato, Gelman was awarded the Cervantes Prize in 2007, and in 2010 was shortlisted with John Ashbery for the Nobel Prize in Literature.

⁸⁰ Gelman's practice of adopting the pseudonymous identities of actual *desaparecidos* allows him to speak as one of the disappeared, not only giving voice to the victims, but speaking directly to the dictators from the grave. For instance, in 1981, Gelman published *Los Poemas de José Galván*, a collection written under the eponymous pseudonym of señor Galván, who, according to Gelman, was disappeared by the dictatorship in 1978. In an author's note preceding the collection, Gelman writes (under his own name): "*It's my duty to pass on these poems that reached me by chance or by miracle. Their author disappeared toward the end of 1978 in Argentina, murdered or kidnapped by the military dictators. We knew of his imprisonments and exiles under other dictatorships and of a handful of poems he published in out-of-the-way literary magazines in the city of Buenos Aires*" (*Dark Times Filled With Light* 130).

⁸¹ In the UK, Gelman's case was brought to public attention by, among others, Graham Greene, who wrote a letter to the *Independent* (September 24, 1987) supporting Gelman's pleas to return to Argentina to discover the whereabouts of his disappeared relatives. Gelman's letter to Greene requesting his support, with copious annotations by Greene, can be found in the Leeds University Library's Fay and Geoffrey Elliott Collection.

⁸² See endnote #4 above for a detailed account of the discrepancy in figures regarding the Disappeared.

⁸³ "*Sabato junto a Tróccoli hicieron esa mierda para hablar de dos demonios*" ("Sábado, together with [former interior minister, Antonio] Tróccoli made up that two demons shit"), said Bonafini, "*Nuestros hijos no eran demonios. Eran revolucionarios, guerrilleros, maravillosos y únicos que defendieron a la Patria*" ("Our children were not demons, they were revolutionaries, guerrillas, wonderful and unique people who defended the country") (Galak, translation mine).

Chapter 3: The Canadian TRC and the Scopic Drive; the Reader as *Voyeur*.

If *Nunca Más*'s success as a history-writing endeavour was predicated on the degree to which the *entire* country – at least initially – embraced the “Two Demons” narrative, then the Truth and Reconciliation Commission of Canada (2015) would offer a contrasting insight into the particular set of challenges facing a nation that did *not* confront its traumatic history as a single, unified community of “survivors.” In Argentina’s case, the transitional justice project was successful precisely because *Nunca Más* represented the type of carefully crafted historical narrative around which the *entire* nation could unite in the wake of its shared trauma. And it was able to do so because, indeed, every Argentine had borne witness – in some way or another – to the horrors of the *Proceso*; neighbours and coworkers were “disappeared,” police and military units were paraded through their streets, and the appalling events in neighbouring communities unfolded nightly on the evening news. But while *Nunca Más*'s “restorative justice” framework would clarify and contextualize a decade of unresolved traumatic events by categorizing *all* of its readers as the innocent victims of the juntas – bridging an empathetic gap by classifying the average Argentine citizen in the same category as the *desaparecidos* and their families – the Canadian TRC was established amidst a much more shrouded and culturally divisive climate, impeding any similar type of empathetic bridging and, therefore, necessitating a “reconciliatory” cultural and judicial framework.¹

Unlike the State terror of the Argentine juntas, the horrors of the Canadian residential school system unfolded across the country for nearly one-hundred-and-fifty years without ever fully permeating the mainstream media or making a significant impression on the collective psyche of non-Indigenous Canadians. As a result, whereas *Nunca Más* begins

by addressing *every* Argentine citizen – stating that *all* of Argentina “was torn by terror from both the extreme right and the far left” – the Canadian report instead negotiates the history of the IRS system by speaking to two distinct and disengaged communities of readers: a) the many successive generations of Indigenous Canadians who endured and survived the trauma of the residential school system, and b) non-Indigenous Canadians who, to this day, remain geographically, culturally, and emotionally removed from the effects of the residential school system, and who have therefore remained largely unresponsive to the century-long persecution of their fellow citizens.

For many non-Indigenous Canadians, this report would be their first comprehensive exposure to the tragedy of the residential school system. In fact, according to a recent Environics Institute study measuring “Canadian Public Opinions on Aboriginal Peoples,” only fifty-one percent of non-Aboriginal Canadians had “read or heard anything about” (Environics Institute, 2016) the Residential School System prior to the launch of the Truth and Reconciliation Commission in 2008. As the Environics study (and its very name) suggests, this deep-rooted cultural division between Indigenous and settler Canadians not only represents the ideological foundation upon which the implementation of the Indian Residential School system’s xenophobic practices were instituted in the first place, but it also continues to determine the contemporary contextual framework according to which the Canadian public have (and continue to be able to) turn a blind eye to its tragic legacy.

The staggering lack of knowledge regarding the brutal treatment of Canada’s Indigenous peoples within the Indian Residential School system is the first of several distinctions that sets it apart from all other truth commissions around the world. Owing to this disunity, the typical function of truth commissions – to signal the closure of one traumatic historical chapter and to gesture toward the dawning of a new transitional phase –

was superseded by what the Canadian commissioners called an edifying “truth seeking” mission. That is, the Canadian TRC first would have to educate non-Indigenous Canadians about their nation’s protracted history of colonial repression and the ongoing repercussions of the legacy of the residential school system, before the work of national reconciliation could begin in earnest.

To this end, the Canadian TRC was envisioned as a much different project than its Argentine counterpart, with a dual set of objectives. On the one hand, it was conceived of as an opportunity for generations of Indigenous victims of the residential school system to tell their stories in a platform that would be acknowledged and supported by the federal government, on a national stage. On the other hand, the TRC and its report were also envisaged as an educational tool for those settler Canadians who remained relatively untouched by (and unknowledgeable about) the barbarity of the IRS system and who were, therefore, largely incognizant of both the far-reaching intergenerational repercussions on Aboriginal communities and of their own role(s) to play in the forthcoming project of national reconciliation.

Given that the Final Report has quickly become the primary document for the ways in which many settler Canadians have, in fact, come to know (and will subsequently come to remember, across generations) this tragic chapter of Canadian history, this historiographic text represents an acute and necessary prerequisite to reconciliation. However, from the opening paragraph of its initial volume (*Honouring the Truth, Reconciling for the Future*), the Final Report reveals the degree to which the legacy of the residential school system is constituted by the persistent inimical relationship between Aboriginal and non-Aboriginal peoples and the vision of “Canada” as an imagined settler community. The report opens:

Canada’s residential school system for Aboriginal children was an education

system in name only for much of its existence. These residential schools were created for the purpose of separating Aboriginal children from their families, in order to minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture – the culture of the legally dominant Euro-Christian Canadian society, led by Canada’s first prime minister, Sir John A. Macdonald. The schools were in existence for well over 100 years, and many successive generations of children from the same communities and families endured the experience of them. That experience was hidden for most of Canada’s history, until Survivors of the system were finally able to find the strength, courage, and support to bring their experiences to light in several thousand court cases that ultimately led to the largest class-action lawsuit in Canada’s history. (*Honouring the Truth* v)

In underscoring that the tragic legacy of the residential school system was “hidden for most of *Canada’s* history” (italics mine), *Honouring the Truth* highlights the cultural and political partitioning of a supposedly discrete “Aboriginal history” from what it calls “Canada’s history” – suggesting that the two distinct “histories” have always run parallel (or perhaps even in opposition) to one another, instead of unfolding together as one. In so doing, *Honouring the Truth* sets itself apart from other truth commission reports, such as *Nunca Más*, in terms of the manner in which the reader is addressed.

Owing to this unique cultural separation, the Final Report addresses its readers in a very different way than the *Nunca Más* report. If the Argentine report united all of its readers together by classifying the average citizen in the same category as the *desaparecidos* and their families, the Canadian TRC was instead envisioned as being the initial tool that might bridge

the so-called empathetic gap between its two sets of readers. That is, rather than being conceived of as a type of concluding dénouement to signal the closure of an all-encompassing chapter of Canadian history, the Final Report was instead “intended to be the initial reference point” in a national discussion on reconciliation between two culturally estranged groups. Unlike the *Nunca Más* report, which brought to an end years of intensely public trials, investigative reports, and formal accusations, the Canadian TRC report would have to serve, initially, as an introductory guide to the reader – carefully illustrating the deep-rooted history of colonial repression, the recurrent breach of modern treaties, the history of Indigenous land claims and the struggle for rights to self-governance, through to the Indian Residential School system and contemporary legal and cultural disputes that have now, at long last, led to the establishment of the Truth and Reconciliation Commission in 2008.

A Brief Timeline, from the Founding of the Indian Residential School System to the Birth of the Truth and Reconciliation Commission:

In many ways, the Canadian TRC was unlike any other in modern history. While other Truth and Reconciliation Commissions – such as those in Chile, South Africa, Ghana, Morocco, and the former Yugoslavia – had each framed their transitional justice proceedings around the prospect of criminal prosecution, the Canadian TRC was instead established as an entirely non-prosecutory undertaking. There was never any intention to bring criminal charges against the perpetrators of what has since been called the systematic “cultural genocide” of Canada’s Indigenous population. As opposed to other TRCs, which either functioned as criminal inquiries with powers to subpoena or indict perpetrators of state-crimes, or at the very least, to make judicial recommendations to affiliated domestic tribunals

based on their findings,² the Canadian TRC was instead established solely as a symbolic “truth-finding mission.”

From the outset, the aim of the Canadian TRC was solely “to promote awareness and public education” by “acknowledg[ing] the experiences, impacts and consequences” of the residential school system (Section ‘N’ Mandate). In this sense, the Canadian TRC deviated from other truth commissions around the world insofar as it eschewed the traditional guiding framework: “truth” *plus* “criminal justice” *leads to* “reconciliation.” Instead, by renouncing all claims to “criminal justice,” the Canadian TRC would depend entirely on the power of the “truth-telling” process in order to lay the groundwork for national reconciliation.

The reason for establishing the TRC as an entirely non-prosecutorial endeavour is owing to the unique set of circumstances around which the Commission was established. As opposed to most other truth commissions, which are typically established in response to the immediate conclusion of a national trauma – such as the overthrow of an authoritarian regime or the end of apartheid – the Canadian TRC was instead established as part of the negotiated settlement of a class-action lawsuit between survivors of the IRS system and the federal government, decades after the last residential school had been closed. Whereas the establishment of other truth commissions have been regarded as a necessary measure in bringing justice and closure to a recent trauma affecting an entire nation, the right to implement the Canadian TRC was, in fact, conceded by the federal government after the two parties had negotiated the terms of the settlement agreement, effectively resolving the lawsuit without a trial.

As a supplement to the monetary compensation for survivors of the residential school system, the Government of Canada “agreed that an historic Truth and Reconciliation

Commission will be established to contribute to truth, healing and reconciliation” (Section ‘N’). As outlined in the original mandate for the establishment of the TRC, the “national project of reconciliation” would not only refer to the tragic legacy of the IRS system, but would also refer to the longstanding history of colonial repression between the Government of Canada and its Indigenous population,³ both prior to and following the official operation of residential schools.

Formally established in 1870 (although several of the schools had been operating for many years prior) and lasting until 1996, the Canadian Residential School System was a network of mandatory boarding schools in which approximately 150,000 First Nations, Métis, and Inuit children were forcibly – and often violently – removed from their families by white RCMP officers or “Indian Agents” (officers of the Department of Indian Affairs) and transferred to one of one hundred and thirty-nine schools across the country (most notably during the “Sixties Scoop”).⁴ Section 141 of the Indian Act outlawed the hiring of lawyers and other forms of legal counsel by First Nations, Métis, and Inuit peoples, allowing the parents of these children no legal recourse, under any circumstances, to challenge this abhorrent practice.

The aim of the system was the implementation of “forced assimilation,” meant to strip Indigenous peoples of what the government saw as the “savage” and “primitive” cultural practices, by “educating” and “civilizing” them instead in the Euro-Canadian tradition. Forcibly taken from their families and separated from their siblings, the children were then deprived of their ancestral languages and culture; routinely exposed to physical and sexual abuse for both disciplinary and sadistic purposes; subjected to unspeakably cruel “medical experiments” including nutritional deprivation and forced sterilization studies, and

pharmaceutical experimentation; and in many cases left to die and buried in unmarked mass graves.

Operating as a federally-run “educational” system for more than one-hundred-and-twenty years (nearly three times as long as the South African apartheid), the Indian Residential School system’s policies of cultural genocide have, in the words of the Commissioners, “left deep scars on the lives of [Canada’s] Aboriginal people, on Aboriginal communities... and have deeply damaged the relationship between Aboriginal and non-Aboriginal peoples” (*Honouring the Truth*, 183).

However, in spite of the unimaginably cruel and sadistic practices that were systematically employed within the IRS system – and the xenophobic ideological underpinnings instituted by the Government of Canada – the realities of this State repression scarcely permeated the collective imagination of white settler Canada. Despite a small handful of instances in which the residential school system made an impression on the collective psyche of Euro-Canada, its dark legacy has gone largely unrecognized by much of the country.

One of the first instances of national exposure – a now-famous article in the February 1967 edition of *Maclean’s* magazine concerning the death of twelve-year-old Chanie Wenjack (“The Lonely Death of Chanie Wenjack,” *Maclean’s*, 1967) – received a moderate amount of coverage when it was first published, although the case was ultimately framed by the Department of Indian Affairs as an unfortunate aberration within an otherwise reputable and advantageous system. Following the publication of the article, which outlined how the young boy succumbed to starvation and hypothermia after fleeing the wretched conditions of the Cecilia Jeffrey Residential School, Departmental officials prepared a briefing note to be read in the House of Commons stating that the Kenora, Ontario school “served the

Indian people with care and concern,” and suggesting “[the fact] that Charles [sic] Wenjack became lonely and ran away is not exceptional, for other children regardless of their origin, have the same feelings and reactions when separated from family and familiar surroundings” (Milloy 289). Eschewing any formal acknowledgment of the sickening abuse experienced by “students” at the Cecilia Jeffrey residential school from which Chanie ran away, the parliamentary briefing note succeeded in mollifying any concerns from the media, and the case soon faded from public attention. Not until the early nineteen-nineties did the horrors of the Indian Residential School system once again achieve a significant (albeit, once again, fleeting) degree of public attention on a national level.

Decades later, following the 1990 Oka Crisis, in which the Canadian military became embroiled in a violent seventy-eight day standoff with the Mohawks of Kanesatake over the town’s plan to develop a golf course on sacred Mohawk burial grounds, the deep-rooted and antagonistic cultural divisions between Indigenous and settler Canadians were once again spotlighted on a national scale. As the situation continued to escalate, media coverage of the standoff was increasingly framed as the inevitable clash between two discrete and irreconcilable cultures. A now-famous photograph (see Fig. 4.1) of a young white military officer (who would be later hailed as a “National hero”) and a masked Mohawk warrior staring at one another in an intense face-to-face confrontation was widely printed in newspapers across the country (and has since been celebrated as one of the most iconic photographs in Canadian history), while video footage of residents of Châteauguay, Québec burning an effigy of a Mohawk warrior while chanting “*savages*” (savages) reached a seldom seen degree of national attention on nightly newscasts. Together, these and other images from Oka became highly emblematic symbols of the deep-rooted and increasingly

antagonistic relationship between Indigenous and non-Indigenous Canadians across the country.



Fig. 4.1 Komulainen, Shaney. “Face to Face.” 1990. Photograph. The Canadian Press.

An event that thoroughly shook Canada’s complacency about Indigenous rights to the core, the Oka Crisis became the catalyst for the chain of events that would ultimately lead to the establishment of the Canadian Truth and Reconciliation Commission.

Shortly after an end to the siege had been negotiated, in a letter to the Premiers of the Northern Territories, Prime Minister Brian Mulroney wrote:

The summer’s events must not be allowed to over-shadow the commitment that my government has made to addressing the concerns of aboriginal [sic] people.... These grievances raise issues that deeply affect all Canadians and therefore must be resolved by all Canadians working together.... The government’s agenda responds to the demands of aboriginal peoples and has four parts: resolving land claims; improving the economic and social conditions on reserves; defining a new relationship between aboriginal peoples and governments; and addressing the concerns of Canada’s aboriginal peoples in contemporary Canadian life. Consultation with

aboriginal peoples and respect for the fiduciary responsibilities of the Crown are integral parts of the process. The federal government is determined to create a new relationship among aboriginal and non-aboriginal Canadians, based on dignity, trust, and respect. (*Honouring the Truth* 186)

In a first-step to addressing these four areas, under succeeding Prime Minister Jean Chrétien, the federal government established a Royal Commission to look into the state of affairs of Indigenous peoples in Canada, which, as the Commissioners would later note, “provided a glimpse into just how bad things had become” (*Honouring the Truth* 186). In 1996 – the same year that the last residential school closed its doors for good – the Royal Commission on Aboriginal Peoples (RCAP) issued its final 4,000-page report, in which it set out a 20-year agenda for implementing changes with 440 recommendations to the federal government, of which the legacy of the residential schools was the topic of one entire chapter. In this report, the Royal Commission put forward what it called a “bold and comprehensive vision of Reconciliation” in what it regarded to be the singular pathway toward renewing this relationship, and which it hoped and expected the Government of Canada to participate. This would be the first time that the term “reconciliation” would be formally proposed as an official policy in the Government of Canada’s efforts to renew and repair its relationships with Indigenous communities.

A year later, in response to the RCAP, the federal government unveiled *Gathering Strength: Canada’s Aboriginal Action Plan* – a long-term, broad-based policy approach to renewing the relationship between the Government of Canada and Indigenous Canadians, based on the recommendations previously made in the RCAP report. A key focal point of *Gathering Strength* would be its own “Statement of Reconciliation,” in which the Government of Canada formally acknowledged its role in the development and administration of

residential schools and apologized to those victims who had been physically and sexually abused while being forced to attend them. Through the office of the Minister of Indian Affairs and Northern Development, the federal government formally acknowledged, for the first time since Confederation:

One aspect of our relationship with Aboriginal people over this period that requires particular attention is the Residential School system. This system separated many children from their families and communities and [...] left legacies of personal pain and distress that continue to reverberate in Aboriginal communities to this day. Tragically, some children were the victims of physical and sexual abuse. The Government of Canada acknowledges the role it played in the development and administration of these schools. Particularly to those individuals who experienced the tragedy of sexual and physical abuse at residential schools [...] To those of you who suffered this tragedy at residential schools, we are deeply sorry. In dealing with the legacies of the Residential School system, the Government of Canada proposes to work with First Nations, Inuit and Métis people, the Churches and other interested parties to resolve the longstanding issues that must be addressed. We need to work together on a healing strategy to assist individuals and communities in dealing with the consequences of this sad era of our history. (*Gathering Strength*)

Ultimately, this formal apology on behalf of the federal government (along with several separate apologies from various Church denominations) would open the door for former victims to now name the Government of Canada and these major Church denominations as respondents in a series formal class-action lawsuits. Immediately following

the unveiling of *Gathering Strength*, the litigation list naming the Government of Canada and major Church denominations grew to 7,500 and continued to grow rapidly (“A Timeline of Residential Schools,” *CBC News*).

In response to this growing list of suits, in 2001 the Canadian government began formal negotiations with the Anglican, Catholic, United, and Presbyterian churches to design what it envisioned as a mutual compensation plan that would settle the increasing list of civil suits filed by former residential school victims. By October of that year, the government had agreed to pay up to seventy percent of settlements to former victims with what it referred to as “validated claims” (“A Timeline of Residential Schools”), while the Church organizations would cover the remaining thirty-percent. Less than three months later, the Anglican Diocese of Cariboo in British Columbia was forced to declare bankruptcy, arguing that it could no longer pay claims related to residential school lawsuits (“B.C. church goes bankrupt,” *CBC News*). Following the announcement in Cariboo, four church groups (including the Presbyterian and Anglican Churches) initialized an agreement-in-principle with the federal government to conclusively share in the compensation of former victims.

As the list of class-action suits continued to grow to nearly eighty-six thousand plaintiffs, the federal government then appointed Supreme Court Justice Frank Iacobucci as their representative to lead the final discussions toward ratifying this settlement agreement between the government, former victims of residential schools, and the various Church denominations. After a short period of negotiations, a series of leaked documents in 2006 suggested that the federal government was close to ratifying what was rumored to be a two-billion-dollar compensation package for all living victims of the residential school system. This rumored agreement would represent a landmark compensation deal for former residential school students, ending what Assembly of First Nations Chief Phil Fontaine

called a one hundred and fifty-year “journey of tears, hardship and pain” (“Residential School Payout a ‘Symbolic’ Apology,” *CBC News*).

The Establishment of the Canadian Truth and Reconciliation Commission and the Unique Legal Restrictions of the “Section ‘N’ Mandate”:

On May 10, 2006, the Canadian government officially announced the approval of the “Indian Residential Schools Settlement Agreement,” the largest class-action settlement in Canadian history. The agreement, which was ratified by all parties involved – including the victims and their legal counsel; the Assembly of First Nations and Inuit representatives; the Presbyterian, Anglican, Catholic, and United Church of Canada organizations; and the Canadian federal government – committed the federal government to a massive compensation package. The main components of this settlement included: a) the “Common Experience Payment,” a blanket compensation averaging \$28,000 for all former residential school victims (up from the \$10,000 outlined in the earlier leaked documents); b) the “Independent Assessment Process,” a separate fund for specific “claims of sexual abuses, serious physical abuse, and other wrongful acts” with a maximum payment of \$275,000; c) a \$350 million grant⁵ to establish the Aboriginal Healing Fund, intended to address the legacy of physical and sexual abuse suffered in the residential school system, including its inter-generational impacts; d) a twenty-million dollar Indian Residential School Commemoration Fund; and finally, e) the establishment of a “Truth and Reconciliation Commission” that would formally acknowledge the “impacts and consequences” of the Indian Residential School system (“Schedule ‘N’ Mandate”).

As outlined in the official Mandate for the Establishment of the Truth and Reconciliation Commission (referred to as the “Schedule ‘N’ Mandate”), “The [Truth and Reconciliation Commission] will build upon the ‘Statement of Reconciliation’ dated January 7, 1998,” suggesting a clear and unambiguous connection between the RCAP report (1997), *Gathering Strength: Canada’s Aboriginal Action Plan* (1998), and the forthcoming TRC.

According to this mandate, the Truth and Reconciliation Commission was to be funded for a period of five years⁶ by “monies set aside for the compensation owed to Indian Residential School survivors, which the Canadian government is required to pay under the IRSSA” (Gaertner 135). The funds allocated to the TRC were to be then distributed and managed in such a way that, over the course of the five-year period, a number of events would take place across the country that would provide survivors with the opportunity to gather and share their “stories of survival” with the commission and amongst their communities in order to educate settler Canadians on the legacy and impact of the residential school system. The testimonies would then be included in a forthcoming multi-volume “Final Report” that would serve as “an historic document” for the national project of healing and reconciliation.

However, given that the Truth and Reconciliation Commission was established as one of the five meticulously negotiated components of the class-action settlement agreement, the Government of Canada – one of the primary perpetrators of the Indian Residential School system, and a potential defendant in what might have been a traditional criminal tribunal – was able to negotiate the legal parameters according to which the TRC would operate. In doing so, the Canadian government was able to institute what amount to a set of rigid self-amnesty clauses and publication bans in the official Mandate for the establishment of the truth commission, which would protect itself and all other potential

defendants (including church organizations and members of the RCMP) from any future incriminatory or prosecutory actions. In essence, the mandate ensured that no survivor would be able to “name names” in their testimony, which could be used to identify individuals accused of having committed a crime, and that the testimony recorded by the commission would not be used in any further “public inquiry” or “formal legal processes,” effectively limiting the TRC to a symbolic, community-based truth sharing initiative. Additionally, the federal government would be seen as taking the seemingly magnanimous step of giving their blessing to the establishment of an official truth commission that would, to all appearances and at long last, acknowledge what it regarded (in a grand understatement) as a “sad chapter in our history” (Harper, *Statement of Apology*), all-the-while furtively ensuring its own immunity from any future domestic legal action beyond the initial class-action lawsuit.⁷

This strict set of legal restrictions mandated in “Schedule N,” consequently imposed a set of radical impositions on both the “truth-telling” aspect of the Truth and Reconciliation Commission, as well as the production of the Final Report’s historical narrative. Insofar as survivor-testimony was “not to include the naming of individuals and institutions associated with wrongdoing,” residential school survivors were instructed to alter their testimony in such a way as to avoid pointing a finger at their abusers or openly insinuating the “guilt” of any Government or Church official – including the teachers, priests, and sisters who operated the schools. Furthermore, as is often the case when a civil lawsuit is settled without trial, by agreeing to the settlement the federal government was exculpated from any legally binding admissions of fault or wrongdoing in the underlying issue (referred to as compensation on a ‘no fault’ basis). Although Prime Minister Stephen Harper *did* offer a perfunctory – and highly criticized – symbolic apology on behalf of the

Government of Canada for its role in the establishment and operation of the Indian Residential School system,⁸ the 2006 Settlement Agreement formally safeguarded the federal government from any future domestic legal prosecution.

Specifically, according to the “Schedule ‘N’: Mandate for the Truth and Reconciliation Commission” of the *Indian Residential Schools Settlement Agreement*, it is mandated that:

Pursuant to the Court-approved final settlement agreement and the class action judgments, the Commissioners:

(b) shall not hold formal hearings, nor act as a public inquiry, nor conduct a formal legal process;

(c) shall not possess subpoena powers, and do not have powers to compel attendance or participation in any of its activities or events. Participation in all Commission events and activities is entirely voluntary;

(f) shall perform their duties... without making any findings of expressing any conclusion or recommendation, regarding the misconduct of any person, unless such findings or information has already been established through legal proceedings, by admission, or by public disclosure by the individual.

Further, the Commission shall not make any reference in any of its activities or in its report ...to the possible civil or criminal liability of any person or organization, unless such findings or information about the individual or institution has already been established through legal proceedings;

(h) shall not name names in their events, activities, public statements, report or recommendations, or make use of personal information ... which identify a person, without the express consent of that individual [...] Other

information that could be used to identify individuals shall be anonymized to the extent possible. (“Schedule ‘N’ Mandate”)

In light of these restrictions, survivors were required to alter their testimony so as to refrain from any type of accusatory language. At the Montreal TRC event in 2013, for instance, survivors were encouraged to “tell *your* truth,”⁹ which as David Garneau notes, meant the telling of “subjective experiences, feelings, and perceptions, rather than the relating of facts” (34). Survivors were informed that their testimony would *not* have any legal standing, in the sense that they could not be used in legal prosecution nor be followed up by criminal investigations, but that they would instead be used in the production of a set of “legacy documents” that would have cultural and symbolic importance.

As a largely symbolic form of healing, without the formal leverage of legal prosecution, the Canadian TRC would have to rely almost exclusively on the narrative potential of the multi-volume *Final Report*, and its intended status as a set of “legacy documents,” in order to make its cultural and ethical interventions into the collective memoryscape of the nation – a settler nation which, as TRC commissioner Marie Wilson suggested, would rather remain “comfortably blind” to these injustices (Lalonde, “Canadians ‘Comfortably Blind’ about Residential Schools’ Damage”).

In lieu of the potential for any possible legal action against the perpetrators, the *Final Report* would have to become that vehicle according to which the horrors of the residential schools would break through the public’s “comfortable blindness.” In other words, the report would be tasked with *making visible* the Truths of the IRS system. And indeed, as Wilson’s statement indicates, this type of “visual” metaphor would dominate the national

discussion on “reconciliation” in the years surrounding the Truth and Reconciliation Commission. As Naomi Angel and Pauline Wakeham point out:

reconciliation is often conceptualized in terms of shifting dynamics of visibility through which past injustices that were once kept ‘out of sight’ are brought to the foreground of national consciousness, thereby ostensibly transforming relations of seeing and being seen between dominant and aggrieved parties. (Angel and Wakeham 93)

However, in many ways the educational value of this narrative endeavor would be undercut by the very same legal restrictions implemented by the “Schedule ‘N’” mandate. While the aim of the TRC report was to allow the victims of the residential school system to be *heard* and *seen* by white Canadians in order to have their stories form the bulk of the residential school narrative, the scrupulous set of legal restrictions, according to which the truth commission was constituted, unfortunately precipitated what we might call an “unbalanced form of hearing and seeing.” By delimiting the Commission’s capacity to prosecute those responsible for the establishment and operation of the residential schools, the Canadian government effectively ensured that the Canadian public would only be able to focus their collective gaze on the *victims* and never the perpetrators. In essence, by prohibiting any type of legal prosecution – of even of a handful of symbolic figures, as the Argentine commission had – the only characters included in the historical narrative were the child-victims, while the government officials, RCMP officers, Indian agents, or parish priests who had participated in the century-long genocidal crimes, were only alluded to using a series of indistinguishable indefinite pronouns, such as “they,” “he,” or “her.” By way of the “Schedule ‘N’ Mandate,” in other words, the perpetrators were reduced to a set of shadowy,

almost mythical figures, upon whom the reader is never allowed to direct his or her judging gaze. The public, in essence, is deprived of the opportunity to point a collective finger at any of the perpetrators, or to experience the related shame and/or guilt associated with the public criminal prosecution of a government or Church official.

By denying the public the opportunity to direct their judging gaze upon an actual living offender and say, “that is the person responsible, and they have now been punished accordingly,” the Canadian government succeeded in disrupting the reader’s ethical response to the IRS. Since we, the readers, can only ever *imagine* an Indian agent seizing a young child from his mother’s grasp, or the parish priest mercilessly beating a schoolboy for speaking his birth language – instead of training our actual, visceral gaze upon them – we are therefore denied the opportunity to intuitively flesh out a full and rigorous ethical response to the harrowing testimony provided by the survivors.

Since the Canadian TRC did not function in a way that granted its chief adjudicators the authority to offer perpetrators certain amnesty provisions in exchange for testimony or apologies (as many of its predecessors have), the Canadian *Final Report* is therefore severely hindered by a deficit of the personal perspectives of perpetrators (particularly in contrast to the testimony from over 6,750 survivors). Instead, a type of *ersatz*-amnesty was applied to the Canadian TRC from the outset, undercutting the traditional authority of truth Commissioners to negotiate the exchange of legal amnesty for perpetrator testimony or formal confessions. By declaring that, “the Commissioners ...shall not possess subpoena powers, and do not have powers to compel attendance or participation in any of its activities or events,” the Government of Canada effectively ensured that the *Final Report* would consist, almost exclusively, of victim testimony – creating a distinctively one-sided historical narrative.

As a result, in constructing an accurate account that would include both victim and perpetrator perspectives, the authors of the Canadian *Final Report*, were tasked with the demanding, yet laudable, task of having to craft a truthful historical narrative by weaving the thousands of victim testimonies it gathered, together with a smattering of previously archived historical documents and voluntarily-surrendered Church records in order to create the impression of a seemingly two-sided, conciliatory historical narrative that suggested that all parties were equally invested in the “uncovering of Truths.”

For instance, in the “History” chapter of *Honouring the Truth, Reconciling for the Future: Summary of the Final Report on the TRC of Canada*, the reader is presented with a seamlessly written historical narrative that appears to weave both perpetrator and victim testimonies together in a vivid, “conversational” illustration of the residential school experience – as though both sides are participating equally in the historiographic project of the TRC. Interspersing both perspectives in an eloquent and engaging narrative account, the chapter reads as a genuine dialogical exchange between both parties. In a section that explores why certain staff members were drawn to work in the residential schools, for example, the reader finds what appear to be the personal accounts by former staff members presented alongside the individual memories of former students. Here, each paragraph is accentuated with passages from the victim testimonies collected by the TRC (some of which feature document case numbers), alongside similar-looking quotations attributed to church and government officials. However, while the victims’ testimonies are indeed derived from the TRC hearings at which survivors provided vivid accounts of their past experiences, the seemingly comparable staff-member “testimonies” are nearly always quoted passages from previously published memoirs, historical biographies, or academic studies (some of which were published as long as ninety-one years ago).¹⁰ Although the body of the narrative reads

as a traditional historical report – ostensibly drawing on witnesses representing all viewpoints – a quick study of the works-cited section reveals the significant degree of artistry that went into the production of the *Final Report*.

Despite producing such a commendable historical narrative from such limited resources, the *Final Report* indeed suffers from a severe dearth of perpetrator testimony and confessions, which often serve as the emotional and political centerpiece of many other final reports (particularly the Argentine *Nunca Más* report and the Chilean *Rettig Report*).

Moreover, in addition to the loss of any emotional weight that perpetrator-confessions might provide, the strict constraints against inculpating any individual perpetrators restricts the reader's gaze to focusing solely on the *victims* of the crimes. In effect, by forbidding victims to speak about their unique and traumatic experiences in a way that allows them to utter the names of their abusers, the "Schedule 'N'" Mandate reduces their testimony to nothing more than an austere description of the *acts* of abuse themselves, as opposed to a description of the heinous men and women who enacted these crimes upon thousands of helpless children. In this sense, the specific legal restrictions set out in "Schedule 'N'" produce a unique brand of "testimony" – what Garneau calls "a spectacle of individual pain for settler consumption" (34) – that completely removes the abuser from the testimonial description of the crimes.

This subject-less testimony, as I argue below, arouses white readers' scopophilic desires by ensuring that their unreciprocated gaze is only ever directed toward the victims and their striking experiences of abuse and maltreatment. This type of unreciprocated "looking," I suggest, represents a form of banal possession, in which the white reader/viewer enacts his or her visual power over the others in a way that simultaneously acknowledges and refuses them (by letting them be seen, but only ever *as victims*). The

scopophilic gaze, in this context, becomes the dominant platform for the exchange of colonial power relations that have defined the relationship between Indigenous and settler Canadians for centuries, and within the critical context of the TRC, undermines the national project of reconciliation.

The Scopophilic Syntax of the Final Report:

As a result of these unusual legal restrictions, a unique syntax arises within the pages of the *Final Report*, which works upon the reader in a number of subtle, yet persuasive, ways. In keeping with the injunction against the “naming of names” (or of even alluding to the criminal activities of any specific perpetrator), the editors and authors of the *Final Report* were forced into a rather unnatural and strained syntax when describing the endless list of physical, sexual, and psychological abuses inflicted upon the residential school victims. Specifically, the report is guided by a rare, grammatically atypical structure that relies on the almost exclusive use of verbs in the “truncated passive voice.” In other words, nearly the entirety of the ten-volume report – totaling roughly four thousand pages – is arranged according to the irregular phraseology of one of the most uncommon verb-structures in both the English and French languages, a verb-form that serves to describe the action of a scene without ever alluding to the subject who performs that action.¹¹

A useful rhetorical tool in cases when a speaker wants to intentionally avoid laying blame, the truncated passive voice is commonly utilized in military or government press-releases or news broadcasts in order to evoke a favourable interpretation of events. For instance, the familiar notification, “The soldiers were killed by friendly fire,” is a much less caustic way of pointing out that military officers were killed by their own people who

accidentally shot at them. In the truncated passive form, the subjects of the sentence (fellow military officers who fired on their compatriots) are altogether removed from the report, and the action is described in a much more understated and placid way, cajoling its audience *away from* any instinct to lay blame and *toward* a more mollifying acceptance of the events.

In those rare cases throughout the report in which the truncated passive voice is *not* used, on the other hand, it is instead replaced with the equally cumbersome editorial injunction that simply (and rather bluntly) *redacts* the name of the perpetrator from the testimony, retroactively.

Along these two lines, when describing a case of physical abuse in a way that refrains from mentioning the perpetrator of the crime, for instance, the editors of the *Final Report* could opt for one of the following courses of action: a) she could employ the clumsy editorial injunction, “[name redacted],”¹² or b) she could shift from the use of the active voice (in which the traditional subject-verb relation abides) to the truncated passive voice (in which the subject is removed from the sentence altogether). For instance, the phrase “Father John kicked Sam” might be replaced with either: a) “[name redacted] kicked Sam,” or b) “Sam was kicked.” However, whereas the former option signals to the reader that the identity of the perpetrator is known but that his or her name has been obfuscated by the editor(s) for a particular reason (likely a legal one), the latter option simply nullifies the role of the perpetrator altogether, re-directing the reader’s attention solely toward the victim and the abuse that he or she has suffered. In other words, the contextual relationship of the verb to its subject and object is rearranged entirely, such that the exclusive focus of the sentence is now on the agent *upon whom* the verb is enacted. In the first example, “Father John kicked Sam,” the active verb-form emphasizes the role of the subject (Father John) and his function as the *doer* or the verb; the readers’ attention is directed toward acknowledging the fact that

Father John has perpetrated a crime against Sam, allowing us to direct our judgments of blame and responsibility toward him. In the second example, however, we are simply told that “Sam has been kicked.” There is, of course, an implied perpetrator here as well, although the arrangement of the truncated passive verb-form directs the reader’s attention away from this fact altogether, and redirects it solely toward the agent *to whom* the action is being subjected (while highlighting the verb action itself).¹³ In the mind’s eye of readers, in other words, the focus of the sentence is always only centered on the victim (Sam), and therefore, there exists no subject (or perpetrator) toward which any possible judgments of blame or responsibility can be directed. In fact, any acknowledgment of the perpetrator’s very existence is entirely expunged from the sentence, and any effort to re-introduce the subject necessitates a degree of mental labour on the part of the reader; that is, the burden of unraveling the thorny syntactical arrangement of the victim-testimony in a way that re-introduces a degree of moral culpability to the crimes is transferred away from the role of the *narrator* and onto the *reader*.

Although the action in each version of the previous sentence remains identical, the focus of the reader’s attention is radically altered by way of the subtle shift from an active to a passive syntax. However, in order to comply with the strict legal restrictions of the TRC Mandate, the reporting of the crimes and abuses in the *Final Report* are communicated almost exclusively via the “truncated passive voice,” continually drawing the reader’s attention *away from* the perpetrator(s) and *toward* the victims and the crimes committed against them. The result of this unique syntactical structure is a narrative form that implicitly provokes the reader’s colonial and scopophilic impulses, inviting the readers to simply gawk at an unceasing excess of harrowing abuses without providing us with any outlet toward which to direct our judgments of blame or responsibility.

In most instances, the victim-testimony is framed by an indistinct editorial outline that only vaguely gestures at the general type of abuse that the child experienced – i.e. “sexual abuse,” “rape,” or “physically beaten.” Always presented in the truncated passive form, these editorial-framings serve to introduce the survivor’s testimony to the reader in a way that adheres to the “Schedule ‘N’ Mandate” (by steering clear of any possible language that might reveal the identity of the child’s abuser), while also connecting each of the survivor’s statements together into an historical narrative that illustrates the systematic pattern of sexual and physical assault suffered in residential schools across the country.

However, when taken in their totality, these editorial-introductions tend to lull the reader into an uncomfortable “descriptive” rhythm, in which a seemingly unending inventory of ill-defined and perpetrator-less crimes begin to pulse and throb across the pages of the report, progressively distancing the reader’s gaze away from the perpetrators. With the unvarying use of the “truncated passive form” fixing the reader’s attention solely upon the *victims*, each page builds upon the last in stimulating the scopophilic impulses¹⁴ of the settler-Canadian audience. The standard formula for introducing victim testimony unfolds as such: “Victim-X revealed that she was physically beaten at residential school-Y in such-and-such a town. ‘When I was seven years old, one of the nuns pulled me aside....’” This template of an “ill-defined editorial introduction” that provides the reader with the victim’s name, age, a vague classification of the abuse suffered, and the location of the residential school attended, followed by a brief (often only one or two sentences) extract of the survivor’s oral testimony, constitutes the bulk of the testimonial segments of the report. However, owing to the unvarying rhythm of this formula (over six-thousand victims provided testimony), together with the continual use of the truncated passive form in both the “introductions” *and* the

“victim testimonies,” the reader is increasingly invited to ogle, in a progressively licentious manner, at the repeated descriptions of ostensibly “perpetratorless” victim-abuse.

On almost each page of the volume entitled, *The Survivors Speak*, for instance, the reader is inundated with an invariable inventory of nearly identical stories, each of which are constituted by an editorial injunction in the form of the “truncated passive form.” In describing the crimes inflicted upon the residential school victims, the author-cum-editors of the report alter each testimony with the passive “Person-X said she was” or “who was,” etc. – effectively removing the subject from the sentence and reframing (or at least, introducing) the testimony as a third-person, passive narrative: “Lynda Pahpasay McDonald said she *was sexually molested* by a staff member of the Roman Catholic school in Kenora...” (160); “Larry Roger Listener, who *was abused* when he attended residential school in Alberta, said...” (160); “Mary Vivier, who *was abused* at the Fort Frances school...” (160); “Norman Courchene said he *was sexually abused* by a supervisor while he was on a field trip from the Fort Alexander school...” (160); “Amelia Galligos-Thomas said she *was sexually abused* by a staff member at the Sechelt, British Columbia, school...” (160); “When he went home for the Christmas break, Ivan George told his father he *was being abused* at the Mission school...” (161); “Lorna Morgan said she *was sexually molested*...” (161); “When he was an adult, Ben Pratt told his mother about the abuse that he and other students *were being subjected to* at Gordon’s [residential school in Punnichy, Saskatchewan]...” (161); “Michael Muskego said he *was sexually abused* by a staff member at the Roman Catholic residential school near The Pas in the 1960’s...” (161-162), and so on. These narrative interventions are then supplemented by corresponding “truncated passive form” testimonies, which further reinforce the grammatical illusion that each of these crimes were perpetrator-less, or at the very least, that the *crimes* were far more important than *who* had committed them: “I thought that I was the

only one that *it was happening to*” (160); “things start happening, and then you don’t realize it at that age, but you *are being sexually abused*, in fact, you are *being raped*” (160); “I thought it was, you know, this is *what happened*, like, to everybody, so I never said nothing” (160); “So, that went on for years of *me being sexually assaulted*” (161); “I told her something just *happened to me*, somebody *did something to me*” (162).

For a counter-example, we might compare the “truncated passive” voice of the Canadian TRC testimonies with the typical syntactical structure of those from the *Nunca Más* report (which was, of course, *not* regulated by any such legal provisions prohibiting the “naming of names”). For instance, Luis Alberto Urquiza’s statement (case file No. 3847):

In the early hours of the 16th I was taken to the toilet by the officer on duty, *Francisco Gontero*, who, from a distance of four or five meters, *loaded* his 45-calibre gun and *fired* three shots, one of which went through my right leg at the height of my knee. I was left standing bleeding, for some twenty minutes. The same person then *ripped* my trousers and *poked* a stick and then his finger into the wound. When other people arrived, [Gontero] *said* that I had tried to grab the gun from him and escape. (*Nunca Más* 28)

In Señor Urquiza’s testimony, all but the initial verb is presented in its natural “active” form, allowing Urquiza to paint a picture of his experience from a perspective in which his abuser is the focal point. The reader can easily imagine officer Francisco Gontero loading his gun, pointing it at Urquiza, and shooting him in the knee, before callously poking his finger into the wound and fabricating a story about the prisoner’s failed escape-attempt. The linguistic equivalent to a series of close-up shots of officer Gontero’s face in a film

scene, the “active” verb form clearly allows the viewer to direct both her visceral gaze, as well as her judgments of responsibility and blame, toward the offending officer.

However, if we were to rewrite Señor Urquiza’s testimony in the “truncated passive” voice of the Canadian TRC Report, the reader would be implicitly limited to visualizing only a vague, shadowy perpetrator-figure as he or she is entirely obscured from the reader’s frame of reference and the focus of attention is solely directed upon the *victim* as they submit to the Subject-less action. Taking up the passive syntax of the Canadian report, we might re-describe the scene as follows:

Urquiza said he was *taken* to the toilet where *he was shot* with a 45-calibre gun three times with one entering his leg just above the knee. He told us he *was then left bleeding* for some twenty minutes, before *having his trousers ripped and his wound poked*, first with a stick and then with a finger. When other people arrived, *it was claimed that* Urquiza had attempted to grab an officer’s gun, in an effort to escape.

In both cases, the events – and the order in which they occurred – remain identical, but the focus of the action has shifted entirely. In Señor Urquiza’s actual testimony, the reader’s attention is directly focused on officer Gontero, since Urquiza’s use of the “active” verb-forms place his torturer in the role of the primary subject who performs the action. By providing the reader with Gontero’s real name and placing him in the central role of the subject who performs the action, Urquiza’s testimony allows the reader to easily imagine the perpetrator acting *with full agency* upon his victim, therefore enabling us to direct the fullness of our moral judgments of responsibility and blame onto the officer. Our readerly attention is focused, in this case, predominantly on the ethical and criminal transgressions perpetrated

by officer Gontero, triggering a robust and dynamic moral response from the reader/listener. Gontero, as an agent of the State, is, in the reader's mind(s), guilty of violating our legal and ethical standards, and therefore must be held accountable. The very syntactical arrangement of the sentence, therefore, provides the reader with a preliminary *truth* (based on Señor Urquiza's testimony), that in turn arouses a resultant demand for *justice* ("Gontero must be held responsible!"), and which, when taken together, consequently lay the groundwork for *reconciliation*.

In the latter example, however, the "truncated passive" verb-forms unfortunately preclude the reader from performing any of these moral evaluations – at least in the same way. The identity of the officer is entirely obfuscated, and the readers' attention is instead directed solely toward the victim *to whom* the action is being subjected. In effect, the discursive point of view is reversed, drawing the reader's attention solely to the *victim* and the heinous crimes being committed against them.

When the editors of the *Final Report* are continually forced to make use of the truncated passive phraseology (owing to the "Section 'N' Mandate") – placing the offenders in the background and the victims in the foreground – the ensuing implication is that *the crimes* are much more significant than *the person(s) who committed them*.¹⁵ Through sheer repetition, this assertion guides the tenor of the entire *Final Report*, the syntactical structure of the report continually signaling to the reader that – in broad, general terms – *the nature of the collective crimes* committed against the victims of the residential school system are much more important than *the people, agencies, or State that committed them*. Therefore, through the very syntactical arrangement of this unique historiographic document, readers are implicitly instructed to direct all of their moral and political energies toward "acknowled[ing] the... *experiences*" (Schedule 'N') of the First Nations, Métis, and Inuit children who were forced to

attend the residential schools; meaning, acknowledging the “*experiences*” of being systematically abused, both physically and sexually, as a state-sanctioned disciplinary apparatus.

This rhetorical strategy – intentional or not – thus re-inscribes the overall project of reconciliation as solely an enterprise of acknowledgment, implicitly suggesting that the act of merely *sympathizing* with victims of the Residential School system amounts to the successful fulfillment of the reconciliatory project. In light of the deep-seated history of Canada’s one-sided settler-Indigenous power relations and the many ways in which these are latently inculcated into our very modes of seeing and hearing, the exhibition of Indigenous suffering amounts to a type of “Godiva ride”¹⁶ – or what Garneau calls the “spectacles of individual pain for settler consumption” (34) – in which the victims are paraded before the reader while the perpetrators are subtly exculpated through their very absence.

In the Final TRC Report volume titled *The Survivors Speak*, for instance, readers are presented with a series of despicable testimonial accounts in which young children are continually molested by a number of unnamed priests. However, owing to the perpetual anonymity of the perpetrators, these accounts do little to quell readers’ moral objections. Instead, although such heinous accounts certainly arouse readers’ moral outrage, without a specific subject (with a real name and a face) toward whom our judgments of blame and responsibility may be directed, the scene is rendered little more than a graphic exhibition of pain and shame.

These abbreviated testimonial fragments offer readers only a brief glimpse into the horrifying experiences of the systematic sexual molestation that thousands of children faced in their daily interactions with church officials while at the residential schools.¹⁷ In contrast to the “truncated passive” accounts in the *Final Report*, consider Joseph Auguste “Augie”

Merasty's description of a similar experience in his memoir, *The Education of Augie Merasty: A Residential School Memoir* (2015). In Merasty's memoir, in which he is not beholden to the "Section 'N'" mandate against the "naming-of-names," he is free to describe (in the traditional "active" verb-form) his experience of being molested by Brother Lepeigne while at the St. Therese Residential School in Sturgeon Landing, Manitoba. In a chapter simply named after his assailant "Lepeigne," Merasty graphically details his first experience with Lepeigne, when Augie was just eight-years old. After the priest cornered the young boy in a washroom, Mastery recalls:

He took me by the right wrist and grabbed my other arm and wrapped my little fingers around his hard penis and rubbed back and forth, masturbating himself. I felt his semen on my hand, and he still didn't let go until he made me swear not to tell anyone. I started screaming, as if someone was trying to kill me. He held his hand over my mouth and almost choked me with his other hand and told me he would give me a beating with the three-foot garden hose if I ever told anyone. Then Lepeigne dragged me across the bathroom and threatened to throw me out the window. (48-49, emphasis mine)

Mastery's testimony – which concludes with him recalling that from that day on, Lepeigne would then detain him and six other boys in the upstairs dormitory each morning and viciously beat them with a garden hose in order to dissuade them from ever speaking of their abuse – directs the reader's attention invariably toward his assailant. Every verb is presented in the "active" form, repeatedly reminding readers that *this man*, Brother Lepeigne, wantonly committed these crimes – not simply that a small child had them done to him, anonymously. Although both reports evoke the reader's moral outrage, only the latter example allows its

readers to envision the perpetrator, Lepeigne, as a real-life criminal acting with full agency upon his young ward.

In this way, the vicissitudes of testimonial syntax exert a subtle yet significant degree of influence over readers' moral and empathetic instincts, implicitly guiding the ways in which we regard the pain of others. In a 1995 study conducted by Henley, Miller, and Beazley, "Syntax, Semantics, and Sexual Violence: Agency and the Passive Voice," a computerized content analysis of US newspaper articles was performed, which found that verbs indicating violent crimes were much more frequently used in the passive voice than the active. In these cases, the study found that the legal restrictions prohibiting the reporting of an alleged perpetrator's name – including publication restrictions, defamation claims, and the *voir dire* rule – had the greatest impact on editorial choices to use the passive verb-form in place of the active. As Bohner suggests, "at the time of a newspaper crime report, the perpetrator is often not known or has not been legally convicted, [so] it may logically be impossible or legally prohibited to name him explicitly" (Bohner 518). In these cases, "the verb form 'raped' was used more frequently in the passive (70%) than active (30%) voice" (518), while "the highest prevalence of the passive voice... was found for the verb 'murdered' (76%)" (Bohner 518). What this study suggested, therefore, was that when these types of legal restrictions prohibit the reporting of an alleged rapist's name, for instance, the resultant syntactical alteration from the active to the passive form – the switch from "man-X raped the woman," for instance, to simply "the woman was raped" – often results in a series of subtle rhetorical effects that may easily go unnoticed at a conscious level by its readers, but have serious and lasting repercussions on the constitution of class, racial, and gender-based power relations. In particular, the switch to the passive-voice ineradicably obscures readers' perception of the perpetrator's *agency* – that the perpetrator committed the crime

willfully and deliberately – altering readers’ interpretation of the events and the directing of blame.

“In English, furthermore,” as Bohner points out, “the ‘get’-passive seems to be especially well suited to suggest direct responsibility of the victim. The sentence ‘the woman *got* raped’, for example, may invoke the completion ‘*got herself* raped’ and may thus indicate the woman’s active participation” (517). But while the “*get* passive” often reflects a *spectator’s* biases, such as a judge who implies a victim’s responsibility in her own assault, it is also often used by victims, themselves, when an instance of abuse is internalized as acknowledged grounds for punishment.



Fig. 4.2 Sign from “Women’s March on Washington,” Toronto, Ontario. January 21, 2017. The dual meaning of this phrase illustrates the directionality of each respective verb-form and the ways in which the passive/active forms are directly associated with the assigning of blame and/or responsibility.

In several gut-wrenching instances within the *Final Report*, survivor testimony is framed by the “*get* passive” when a discernable sense of self-reproach is implied – suggesting the internalization of disciplinary power relations. In these cases – such as when Emily Kematch recalls simply that as a young child, “If we cried, we *got* spanked” (*The Survivor’s Speak* 49), or Don Willie’s recollection that he “used to *get* strapped for being caught out of bed” (*The Survivor’s Speak* 72) – the “*get*” passive implies a self-reflective sense of the victim’s own responsibility through a direct correlation between the victim’s action and an unnamed perpetrator’s resultant disciplinary action. As a natural adjunct to the truncated passive form,

the “*get* passive” is often innately employed throughout the report when victims discuss their experiences of having to give up speaking their languages in favour of English. Richard Kaiyogan, for instance, candidly notes, “if you talk in your own language you *get* strapped,” which leads to the eventual capitulation: “Anyway... my language will be lost in the way. Okay, so why not think like a white man? Talk like a white man? Eat like a white man... so I don’t have to *get* strapped anymore. You know, I followed their own rules” (*The Survivor’s Speak* 51).

In each of these instances, the subtle syntactical rearrangements of how a crime is articulated have a significant impact on how these events enter our cultural storytelling landscape. When legal restrictions continually regulate the ways in which, for instance, a man informs the public about the rape of a woman, it goes without saying that certain cultural attitudes within that community are accordingly influenced. If the active agent is continuously removed from the syntactical equation – that is, the crime is described in a way that avoids any mention of the perpetrator – then it is certainly plausible to assume that the cultural perception of the crime will be impacted accordingly. Sentences like “the woman was raped” would trigger certain readerly assumptions about the role of the victim, more so than a sentence like “the man raped the woman” would.

It is in these instances, when language exerts its subtle powers over readers, that it becomes hegemonic. Slight alterations to subject-object relations, or the reversal of an active verb to its “truncated passive” form, can have radical effects on those understated linguistic indicators that allow the reader to identify blame or point to direct judgments of responsibility. Particularly, in violent physical abuse or sexual assault cases, the syntactical arrangement of witness’ testimony not only reveals much about their personal tendencies regarding the nature of the events, but it also has a subtle, yet critical, effect on readers’ or

listeners' interpretation of them, as well. In fact, this contrivance is often so subtle that when, for instance, a former residential school student makes reference to "*the use of shackles*" (as opposed to, "Father Doe shackled me to my bed"), readers may very well pass over this sentence without noticing the full extent to which the phrasing modifies their interpretation of the testimony.

In this way, the Final TRC Report makes a series of corresponding interventions into the collective perception of the residential schools victims' relation to the endless surfeit of criminal behaviour that they endured. Severely undercut by the set of legal restrictions laid out in the Indian Residential School Settlement Agreement, the Final Report was compelled into a narrative form that elevates the "passive" voice over the "active," thereby implicitly emphasizing the victim's roles in the crimes inflicted upon them while continually minimizing (or outright expunging) the role of the perpetrator. In these instances of linguistic avoidance, instances of abuse against Indigenous children are not only "normalized," but the perceived responsibility of their assailants is also correspondingly reduced in the mind's eye of the reader.

Needless to say, however, the authors of the Canadian Final Report were certainly *not* motivated to play down the responsibility of the government and church officials, but rather the legal restrictions of the "Schedule 'N' Mandate" both compelled the victims into structuring *their own* testimony according to an unfortunate "subject-less" syntactical paradigm and the editors of the report to extend and perpetuate this "truncated passive" form to the wider narrative structure.

For instance, consider how the editorial injunctions protract and play up the passive verb form of various survivors' testimony in this long excerpt from volume of the *Final Report* entitled, *The Survivors Speak*:

In many cases, a single student described many different types of abuse they experienced. Jean Pierre Bellemare, who attended the Amos, Québec, school, said he had been subjected to “physical violence, verbal violence, touchings, everything that comes with it.” ...Some students were abused at more than one school. Students reported assaults from staff members of both the opposite sex and the same sex as themselves. For many students, abuse, fear, and violence dominated their school experience. Sheila Gunderson recalled there being “a lot of physical abuse and sexual abuse” at Lapointe Hall, the Roman Catholic hostel in Fort Simpson, Northwest Territories, in the 1960s. ...Many former students spoke of having been raped at school. Marie Tookate, who attended the Fort Albany, Ontario, school, said, “I didn’t enjoy myself when I was in school because I was too much abused. I didn’t learn anything; that’s what I was feeling.”¹⁸

Her words echo the experiences of many former students [...] One former student said he was sexually abused by a staff member of the Blue Quills school when he was five years old... Marie Therese Kistabish said she was sexually abused in the church confessional at the Amos school.

(153-154)

This excerpt – which is indicative of the syntactical tenor of the entirety of the report’s four-thousand-plus pages – illustrates the type of uniquely “subjectless” passive-form narration of horrid sexual and physical abuse, reproducing the colonial relations between looking and power that have defined the deep-rooted relationship between Indigenous and non-Indigenous Canadians.

The Residential School Photographic Archive and the Voyeuristic Gaze:

And yet, if the passive narrative form produces an unreciprocated “settler gaze” by simultaneously *concealing* the perpetrators while bringing the victims *into focus*, then the relationship between power and looking is even further delineated by *how* the victims are made visible in the accompanying photographs within the *Final Report*. While the laconic pulse of the report’s passive syntax arouses the reader’s voyeuristic instincts in a way that both acknowledges and refuses the survivors (by letting them be seen, but only ever *as victims*), the photographs produce what I would call an equivalent “visual lexicon” that lays the foundations for a similar form of post-colonial power relations, while diminishing the devastating impact of the IRS system – albeit by different means.

Although the inclusion of photographs in truth commission reports is quite common, the residential school photographs are, however, of a much different order than those typically found in reports such as *Nunca Más*, or of the extremely graphic images of the concentration camps alluded to in the Nuremberg report. Whereas the typical type of photographic images associated with human rights inquiries and transitional justice practices tend to depict shocking scenes of violence and cruelty – the aim being to expose the horrors of genocide, for instance – the photographic archive of residential schools is of a much different order. As Naomi Angel and Pauline Wakeham note, “Rather than being motivated by the goal of divulgence that has become the stock-in-trade of photojournalism and now social media in conflict zones, the image record of residential schools is composed largely of photographs taken by school and church staff as well as government officials seeking to produce propagandistic scenes of institutional order” (“Witnessing in Camera” 95).



Fig. 4.3 (*Volume 1: History, Part Two, 297*)

Caption: “Staff and students at the Sturgeon Landing, Saskatchewan, school, 1946. Until the 1960s, members of religious orders made up a significant proportion of residential school staff membership.”
St. Boniface Historical Society Archives, Oblates of Mary Immaculate of Manitoba fonds, N4096.

Given that nearly all of the photographs included in the *Final Report* were obtained from the archives of the various church organizations that operated the schools, the catalogue of images used in the report depict a consistent visual-narrative of the exact type of conditions that the churches would have intended to put forward; images of girls happily sewing in unison or of students participating reverentially in Christian ceremonies (Fig. 4.3), for instance. There are, of course, *no* photographs depicting children being beaten by IRS staff, of young boys and girls (as young as six years of age) being molested by school officials, or of the frostbitten bodies of those children who froze to death while attempting to run away. There are, therefore, no photographs included in the sections of the *Final Report* titled: “Abuse,” “Discipline,” “Runaways and Truants,” or “Covering Up Sexual Abuse.” Instead, we only find the photographs displayed within the more generically-titled sections, such as: “The Canadian residential school system: 1867 to 1939,” “The 1970’s and Beyond,” and “Sports and the Arts.” Similarly to the “truncated passive” testimony of the written

section, the photographs therefore represent their own highly regulated story of the IRS that is constituted as much by what they *do not reveal* as by what *they do*.



Fig. 4.4 (*What We Have Learned*, 52)

Caption: Inuit students at the Joseph Bernier School, Chesterfield Inlet, 1956.

Source: Diocese of Churchill-Hudson Bay.

In image after image, the reader is presented with a series of scenes that, at least on the surface, resemble the types of activities one might find at any other school across the country. Typically grouped into clusters of five to twenty at the end of various chapters and arranged thematically (as opposed to geographically), the photographs therefore present a seemingly homologous view of residential schools from across the country when taken together. The resultant effect of this arrangement suggests the existence of a false degree of uniformity and regulatory oversight throughout the schools, which did not exist. On the contrary, officials at each residential school were free to govern them according to whichever “pedagogical” and disciplinary methods they saw fit, leading to a complete lack of educational, nutritional, and disciplinary regulations. To this end, the pervasive scenes of educational “normalcy” depicted in the catalogue of photographs work in direct opposition to the survivor-testimonies that recall rampant and systematized abuse. Instead, the image-

archive presents the reader with a contrary visual story of seemingly “ordinary” life within the schools, both subverting and challenging the written testimonies, and potentially sowing seeds of doubt that may embolden certain settler Canadians’ long-established cultural or racial biases.

Indeed, several sceptics – including journalists Hymie Rubenstein and Rodney A. Clifton – have seized upon these counterfeit scenes of normalcy in an attempt to dismiss the legacy of the residential school system. In their recent incendiary editorial in the *National Post*, “Debunking the half-truths and exaggerations in the Truth and Reconciliation report,” Rubenstein and Clifton regurgitate the myth of “normalcy” that the IRS photographs erroneously portray, suggesting that “most aboriginal students attended day schools almost identical to the public schools that other Canadian children attended.”¹⁹ In extending the deception that the residential schools were “almost identical” to any other public school across settler-Canada, Clifton and Rubenstein minimize the abuse that thousands of Indigenous, Métis, and Inuit children suffered as part of a systematic program of forced assimilation and colonial discipline. However, for the two University of Manitoba professors, the perceived semblance of normalcy projected by the IRS administrators (and reinforced by the photographic archive) serves to devalue the trauma of survivors by equating it to the type of misdemeanour tribulations experienced by all schoolchildren. “Similar traumas, indignities, and deprivations faced by aboriginal students,” they erroneously suggest, “[such as] loneliness, sexual and physical exploitation, and harsh living conditions – have been reported by the children of wealthy parents forced to attend elite boarding schools throughout the former British Empire” (“Debunking the half-truths and exaggerations in the Truth and Reconciliation report,” *National Post*). By levelling the residential school experience with the relatively benign experience of “elite boarding schools,” Clifton and

Rubenstein go on to suggest that the legacy of the IRS is, therefore, entirely unexceptional and unworthy of the public’s moral solicitude. From here, it is a short rhetorical leap for the two *National Post* contributors to dismiss the entirety of the survivors’ TRC statements as, what they derisively call, the “unexamined testimonies of an unrepresentative sample of ‘survivors,’” and suggesting that, by referring to “aboriginal children educated in residential schools [as] ‘survivors,’ this erroneously implies that they are equivalent to Holocaust survivors” (“Debunking the half-truths”).

In addition to contriving a distorted sense of “educational normalcy” that subverts and undermines the survivors’ testimony, the *age* of the photo-images also present readers with a skewed perception of the historical duration of the residential schools. As Angel and Wakeham note, while many residential schools were fully functional up until the late 1990s, the vast majority of photographs that have proliferated in the mainstream media, and that are featured in the various volumes of the *Final Report*, are vintage-looking black-and-white images from the 1930s, 40s, and 50s.



Fig. 4.5 (*Volume 1: History, Part 1*, p. 556)
Caption: “The Anglican school on the Blackfoot Reserve, Alberta.”
Source: Glenbow Museum, NC-5-1.

These images – with their uniform monochrome palettes and antique vignette fading – provide the reader with “a set of visual codes that cue the spectator to associate the IRS with a more distant temporal realm” (Angel and Wakeham, 98). This temporal distancing therefore works to not only disassociate the contemporary reader/viewer from the legacy of the residential schools – suggesting that this was something that happened “long ago” – but also to minimize the contemporary demand for justice and reconciliation for today’s younger generations of Indigenous youths.

In a similar fashion to the Harper government’s re-framing of the IRS system as belonging to a bygone era, the temporal distancing of the black-and-white photographs reinforce the mandate of “Schedule ‘N’” by obscuring the perpetrators within the shadowy depths of history. Within the IRS photographic archive, church and government officials are almost exclusively depicted as glaringly anachronistic and antiquated “historical” characters – posing in old-fashioned dress, and in at least two cases, appearing quite literally, “horse-and-buggy” (See Fig’s 4.6, 4.7, and 4.8). Such temporal-obfuscation implicitly encourages the reader to excuse the seemingly “historical” crimes as the product of shifting knowledge-systems or the cultural and moral evolution of a nation between generations. By re-framing the IRS as belonging to an historical chapter that is now seemingly “closed,” the act of assigning responsibility and blame gets lost in the historical disjunction, thereby feeding the temptation to absolve historical injustices simply because they “belong to the past.”



Fig. 4.6 (*Volume 1: History, Part 1*, p. 558)
Caption: “Staff of the Crowstand School in Kamsack, Saskatchewan.”
Source: Saskatchewan Archives Board, R-B1457.



Fig. 4.7 (*Volume 1: History, Part 1*, p. 80)
Caption: “Colonel Richard Henry Pratt, founder and superintendent of the Carlisle Indian Boarding School, Carlisle, Pennsylvania. Pratt favoured a policy of aggressive assimilation, saying “All the Indian there is in the race should be dead. Kill the Indian in him, and save the man.”
Source: Library of Congress, LC-USZ62-26798.



Fig. 4.8 (*Volume 1: History, Part 1*, p. 292)
Caption: “Anglican Church leader Samuel Hume Blake.”
Source: Library and Archives Canada, c030420.

As a string of newspaper editorials have recently demonstrated, such erroneous “historical distancing” has opened up space for a new and disturbing discursive trend calling for the exculpation of the founders of the IRS system for simply “not knowing any better.” On the contrary, as Angel and Wakeham note, there is more than “ample evidence demonstrating that the residential school system’s dangers were well documented for the federal government and in the popular press during the early twentieth century” (99),

including Dr. Peter H. Bryce's oft-cited exposé of the dangerous health conditions in residential schools which concluded that between 1883 and 1907, twenty-four percent of students died while in IRS custody (Bryce, 4). In spite of the prevalence and availability of reports such as these, several prominent journalists and media personalities continue to call for the moral exculpation of the IRS system on the basis that the past represents a time of callow naiveté. In a recent article in *The Globe and Mail*, titled "Good Intentions, Broken Lives" (2000), William Johnson suggests that the Church organizations were simply acting upon "good intentions" in establishing the residential schools, and should therefore be exempt from the moral umbrage of the general public. Apart from the imprudent appeal to a perverse form of deontological ethics²⁰ – Johnson suggests that only the *intended* results of an action are of moral value, and that the actual historical consequences are of little importance – the *Globe and Mail* columnist's case also centres on the mistaken belief that the churches were acting as "the agents of a misguided society" ("Good intentions," *The Globe and Mail*), thereby absolving them of any blame by re-framing the past as a period of arrant unknowing.

Given the extent to which this type of historically-distancing language has already circumscribed public discourse surrounding the residential school system, the *Final Report's* use of such anachronistic photographs²¹ simply perpetuates the myth of historical-detachment, enabling many readers to continue to dismiss the crimes of the IRS from a position of dispassionate indifference. By spuriously relegating IRS perpetrators to the seemingly naïve and unknowing depths of history, this type of historical distancing furthermore allows for the resurrection of the correspondingly archaic image of the so-called "Savage Indian." When we excuse John A. MacDonald for his xenophobic and discriminatory beliefs, for instance, simply because "that was the opinion of the time," we

are not simply invoking a sort of moral statute of limitations on these crimes, we are also implicitly reviving Macdonald's own racist beliefs and resituating them in the present.

Macdonald's infamous 1883 speech to the House of Commons justifying the government's residential school policy has been a particular focus of this recent trend towards "historical justification" in the post-TRC era. In his notorious speech – a segment of which opens the *Official Summary of the Final TRC Report* – Macdonald told the House:

When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write, his habits, and training, and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men. (Debates of the House of Commons of Canada 1107–1108)

Despite the incontrovertible malice behind Macdonald's infamous speech, several recent attempts to excuse such vile, rancorous language as simply being "of the time" demonstrates the willingness of many settler Canadians to ignore the *recentness* of the IRS system, and the many ongoing and long-lasting consequences of such prejudice.

In a recent article written for *The Walrus*, titled "Canada's First Scapegoat," author Richard Gwyn spuriously argues that "the general condemnation of Macdonald as a racist simply doesn't fit the man's character. The term brings to mind the image of a grumpy misanthrope. Macdonald couldn't have been less like that. He was very, very funny. He was

well read – not just the political stuff, but also novels (Trollope was a favorite) – and he could rattle off fine poetry by heart.” Although it is tempting to dismiss Gwyn’s vacuous suggestion that Macdonald’s “sense of humour” and interest in “fine” poetry somehow constitute exonerating proof of his righteous benevolence, there is, of course, a deeper and more insidious ethic underlying such vapid attempts at moral exculpation. Gwyn’s desire to turn a blind eye to the wilful and calculated racism at the heart of the IRS system bespeaks an overarching moral-obscurantism that is echoed by many Anglo-European Canadians. And when Conrad Black argues for a similar vindication of Macdonald by suggesting (rather ironically, given his own condescending tone) that, “The native people were less fortunate ...and there is no doubt that they were short-changed, condescended to, and in a heartbreaking number of individual instances, mistreated [while attending residential schools]... But none of it justifies the invocation of the word genocide, which is a contemptible device to tar esteemed people like John A. Macdonald with the brush of Hitler, Stalin, Pol Pot, and others” (Black, “Canada’s Treatment”), a similar latent echo of casteism underlies his argument.

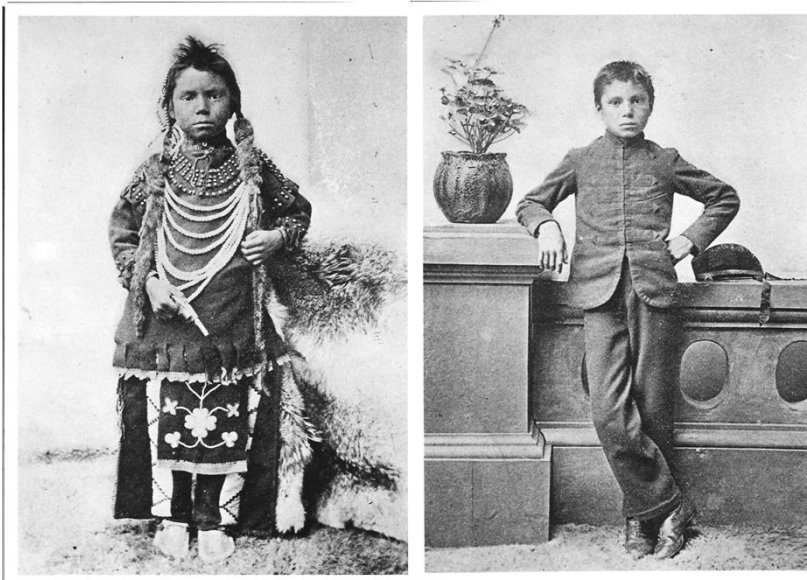
Belying both men’s attempted vindications of our first Prime Minister is an insidious minimization of Indigenous trauma and a subtle imitation of Macdonald’s own xenophobic beliefs. In attempting to exculpate the legacy of the residential school system as “belonging to a distant time,” Black not only justifies Macdonald’s malicious view of the so-called Savage Indian, but he also reintroduces it to the present moment. In his blustering and grandiloquent way, Black’s attempted historical-distancing of the residential school system aims toward a form of moral vindication by doubling-down on the racial Othering that gave rise to the residential schools, in the first place. In attempting to justify the supposedly virtuous “civilizing” intentions of Macdonald and other residential school architects of the

time, Black perpetuates the racist exoticization of the Savage Indian while spuriously ignoring the fact that the largest number of forced removals occurred relatively recently, during the years between the so called Sixties Scoop and the late 1980s. Nonetheless, Black harkens back to a malignant and exaggerated caricature of the supposedly uncivilized Indian in an attempt to minimize and exculpate the egregious IRS crimes. “Apart from a few mid-western farming tribes and Pacific and Great Lakes inhabitants of log dwellings,” Black writes, “the First Nations did not have permanent buildings or agriculture, metal tools, or knitted fabrics. They were nomads, clothed in hides and skins, living in tents, surviving on fish and game, and usually at war, which included the torture to gruesome death of prisoners from other tribes and nations, including women and children.” Therefore, Black argues, “It is not the case that the Europeans have no right to be here, ...we have made vastly more of this continent than its original inhabitants could have done,” adding:

Despite everything, even the First Nations should be grateful that the Europeans came here. There has been quite enough shameful conduct to go round, including by some of the natives. Let us all repent past wrongdoing without demeaning histrionics and hyperbole, and be proud of whatever we are ethnically: all cultures and nationalities have their distinctions. The whole country must do what it can to atone for the past, but a continuing orgy of recriminations will be unjust in itself, produce a nasty backlash, and will aggravate grievances. (“Canada’s Treatment of Aboriginals”)

In attempting to vindicate Macdonald from the quite appropriate charges of racism and xenophobia following the publication of the Final TRC Report, Black’s equally salacious evocation of the “Savage Indian” archetype suggests what Thomas King has called, white

North America's obsession with "maintaining the cult and sanctity of the Dead Indian"; that is, white North Americans' refusal to see Indigenous, Métis, or Inuit peoples as anything other than the "savage" caricatures of early Westerns and folk tales. By rendering young Indigenous children as "primitive savages," it is easier for apologists and deniers like Johnson and Black to absolve IRS perpetrators for attempting ("with the best of intentions") to "civilize" them into the Anglo-European traditions of settler Canada, regardless of the tragic historical and intergenerational consequences. And it is precisely this dangerous form of "historical distancing" that the IRS photographic archive keeps alive.



Fig's 4.9 and 4.10

Captions: "Thomas Moore upon entering the Regina Indian Residential School, circa 1896"; and "Thomas Moore 'after tuition' at the Regina Indian Residential School."

Source: Provincial Archives of Saskatchewan. R-A8223(1) and R-A8223(2).

"In reconstructing a photographic history of residential schools," Angel and Wakeham note, "a 'scant handful' of archival images have repeatedly been chosen over and above others, acquiring 'iconic' status as the definitive representation of the residential school experience" (100). In particular, the notorious and now iconic "before and after" portraits that many residential schools recorded would often embellish the anachronistic

archetype of the “Savage Indian” as a means of justifying the so-called “civilizing” effects of the IRS system through an entirely contrived comparative visual-story. The most iconic of these photographic diptychs, of Thomas Moore, a Cree student at the Regina Industrial School, depicts Moore according to two contrasting colonial archetypes: the “savage Indian” and the “civilized modern man” (see Fig 4.9 and 4.10). In Moore’s “before” image, the young child is portrayed as a seemingly “primitive” arrival to the residential school, presented in long braids and wearing a “traditional” buckskin wamus, a breechcloth with a beaded floral design, several long beaded necklaces, and moccasins; in his right hand, Moore holds a toy gun – “a prop that is perhaps supposed to construct Indigeneity as a threat to settler security” (“Witnessing in Camera,” 100). “To emphasize his ‘primitive’ state,” Sherry Farrell Racette notes, “the furniture and floor are covered with fur pelts” (53), yet as Racette points out, a modest “checked shirt” can be seen poking out from under his tunic at his wrists and neck, suggesting deliberate costuming by the photographer (53). In the “after” photograph (likely taken on the same day as the “before” image), Moore is now depicted with a conservatively trimmed haircut, in a tidy school uniform, and posed in a less confrontational stance – casually leaning on a stone column, suggesting a sense of confidence in his new role as a “modern, civilized young man.” Representative of the type of “before and after” diptychs that many residential schools recorded of their young wards, the photographs are meant to provide the viewer with visual evidence of the assimilating effects of residential school system. Although based on the utter pretense and artifice of costuming and the assembly of fabricated scenes, the diptychs encourage the viewer to impose their own conditions of power and control onto the “uncivilized” Other in a way that mirrors the supposed “controlling and civilizing” regime of the residential schools.

Placing us, visually, in the position of the church or government-hired photographer

– our gaze projecting outward toward the victims – these images summon the viewer to a relationship of visual complicity with the perpetrators.

Although the “before and after” diptychs are, perhaps, more explicit in their manner of drawing upon the visual field to impose conditions of power and control, many of the other seemingly spontaneous (or “unposed”) IRS archival photographs do so as well, albeit perhaps in a more understated way. While the unmistakable artifice of the “before and after” photos inevitably arouse the reader’s voyeuristic gaze through the portrayal of the archaic “Savage Indian” archetype, many of the other black-and-white IRS images evoke a similar viewer-response through their portrayal of Indigeneity via the visual markers of poverty and illness. In countless IRS photographs, both male and female students appear in filthy, ragged outfits, portrayed in overcrowded and dilapidated quarters or sprawled out in tattered hospital beds. In image after image, the viewer is presented with images of crowded, dirty, dilapidated barracks and classrooms, filled with sorrowful, exhausted-looking children. With their filthy hands and faces directly facing the camera, and dressed in their ragged, ill-fitting outfits, the children come across as sympathetic, pitiable creatures. By visually emphasizing depravity, these images represent the poverty-stricken children as wholly *other* from the report’s mainly middle-class readers, potentially evoking fear or disgust in a similar way as the earlier “Savage Indian” archetype had. In a way, the visual representation of Indigeneity via the visual markers of poverty and illness represents a modern update on the “primitive” and “uncivilized” trope.

Echoing the type of voyeuristic class-consciousness made famous by early American documentary photographers, such as Margaret Bourke-White’s photographic study of Depression-era tenant farmers in the deep American South, *You Have Now Seen Their Faces* (1937), the IRS images produce a similar visual catalogue of Indigenous poverty within the

collective settler-Canadian Imaginary. Bourke-White, who Caleb Crain once described as “lay[ing] in wait for her subjects with a flash,” glibly boasted of her ability to “imprison” her impoverished subjects “on a sheet of film before they knew what had happened” (qtd. in Sontag, *On Photography* 192-93). In a way, the IRS images work to similarly “imprison” the residential school children in the mind’s eye of the report’s readers.

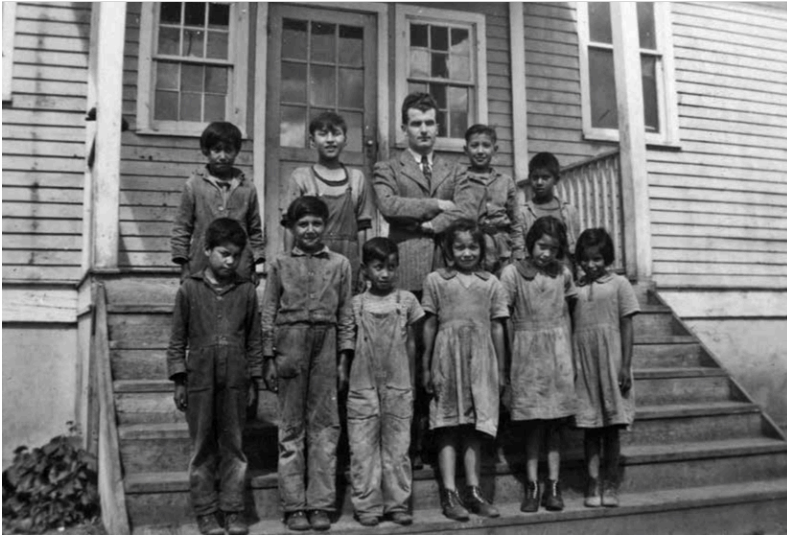


Fig 4.11 (*Volume 1: History, Part 1*, p. 554)

Caption: “During his 1925 inspection of the Round Lake, Saskatchewan, school, W. S. Murison commented that he had never seen ‘such patched and ragged looking clothing as worn by the boys’.”

Source: United Church of Canada Archives, 93-049P1162.

Situated within a visual spectrum of colonial hegemony, the viewer’s gaze pierces these images of abject, racialized poverty, giving the spectator an illusion of penetrating the private “exoticized” world of their subjects. Here, cultural curiosity and “the desire to look” mix with the sense of power derived from projecting one’s class-advantage over an other, giving rise to a crude set of power relations that organize vision and visual space according to the “spectacle” of surveillance within a settler-colonial context. Inculcating this optical power structure, the reader is free to enact his or her power over the residential school victims through observing, or surveilling them.



Fig 4.12 (*Volume 1: History, Part 1*, p. 554)

Caption: “Boys at the Lac La Ronge, Saskatchewan, school.”

Source: General Synod Archives, Anglican Church of Canada, P7538–229.

(Volume 1: Canada’s Residential Schools: The History, Part 1: Origins to 1939)

Emphasizing the inter-personal dynamics between the photographer (who shares a single visual perspective with the viewer) and their subjects, these images represent what Linda Nochlin calls, “the meeting of two subjectivities,” within the complex dynamics of racialized, gendered, and class-based power structures (29). Demonstrating that power is produced most acutely in the form of unreciprocated visual operations, Susan Sontag similarly suggests: “to take a photograph is to participate in another person’s [...] mortality, vulnerability, mutability” (*On Photography* 15). Given this unreciprocated visual power relation – the idea that to view someone, to penetrate them visually, is to exercise power over them – the readers are therefore free to engage in a “fantasy of power” derived from penetrating the visual depths of these images. As Sieglinde Lemke suggests:

Perhaps it goes without saying that in social documentary photography and particularly in portraits of poor people, the two subjectivities do not meet on equal terms. The impoverished subject is, obviously, more vulnerable than the artist. Controlling the camera and the production of the photograph

equals power... The poor person is relegated to the status of being looked at. This is of course inevitably the case in all of portrait photography... [however] in light of the class hierarchy, this power relation has larger repercussions. Being a passive object, the poor person is subjected to the professional gaze of the photographer and, once the portrait is exhibited, to the gaze of the spectator... All photography invites voyeurism, but, given the class divisions that are always already inscribed in poverty portraiture, the social divide and distance between the two subjectivities is even more pronounced. (100)

Furthermore, the spurious visual representation of Indigeneity as being “historically marked by poverty and illness” obscures the reality that the trauma of the IRS system is one of the root *causes* of contemporary social and economic issues for today’s generations of Indigenous youths. Such class-based obfuscation works in concert with the “historical distancing” of the black-and-white photographs to imply that this is something that happened “long ago” and has no relevant cultural repercussions today. By erroneously framing poverty as being intrinsic to Indigeneity, and concurrently placing the residential school system “into the distant past,” these images block the reader from historically contextualizing the residential schools alongside the devastating intergenerational repercussions of the system.



Fig 4.13 (*Volume 1: History, Part 2*, p. 102)

Caption: “Students from the Morley, Alberta, school. Throughout their history, the schools were not funded or staffed to function as child-welfare institutions in a manner that would allow them to provide the appropriate level of personal and emotional care children need.”

Source: United Church of Canada Archives, 93-049P798.

However, as Richard Wagamese poignantly illustrates, for many Indigenous, Métis, and Inuit youths, the IRS system is the very *source* of intergenerational poverty and illness, in the first place. In his recent collection of nonfiction essays, *One Story, One Song* (2011), Wagamese refers to the residential schools as “a spectre in our midst.” He writes:

I AM A VICTIM of Canada’s residential school system. I never attended a residential school, so I cannot say that I survived one. However, my parents and my extended family members did. The pain they endured became my pain, too. Having attended residential school, the members of my family returned to the land bearing heavy psychological, emotional and spiritual burdens... Each of the adults had suffered in an institution that tried to scrape the Indian out of their insides, and they came back to the bush raw, sore and aching... And once they discovered that alcohol could numb their deep hurt and isolation, we ceased to be a family. From within their trauma, the adults around me struck out vengefully, like frightened children. When I

was a toddler, my left arm and shoulder were smashed... My siblings and I endured great tides of violence and abuse. We were beaten, nearly drowned and terrorized. (Wagamese 27-28)

After a vivid description of his experience being abandoned, along with his two brothers and sister, in a bush camp at age three, only to be found by a passing Ontario provincial policeman and taken to the Children's Aid Society, the novelist describes his subsequent early life in foster homes until being adopted at age nine: "I would not see my mother or my extended family again for twenty-one years" (28). "For years after that," Wagamese continues:

I lived on the street or in prison. I became a drug user and an alcoholic. I was haunted for years by bad memories. Although I was too young to remember what had happened, I carried the residual trauma of my toddler years. I grew up ashamed and angry that there was no one to tell me where I had come from ...I ascribed all of my pain to the residential schools, and I hated those I held responsible. I blamed the churches that had run those schools for my alcoholism, my loneliness, my fears and my failures. In my mind, I envisaged a world where I could have grown up as a fully functioning Ojibway, and that glittered in comparison to the pain-wracked life I had lived. (28-29)

"As a writer and a journalist," Wagamese adds, "I have spoken to hundreds of residential school survivors. Their stories have told me a great deal about how my own family had suffered" (29). Wagamese's reflections on the intergenerational effects of the residential school experience echo the recorded statements of thousands of other survivors,

as well as those of their children. Elaine Durocher, for instance, recounts in the TRC report volume, *The Survivors Speak*, how she “learned the tools for a life on the fringes of society in the sex trade.” She reveals:

They were there to discipline you, teach you, beat you, rape you, molest you, but I never got an education. I knew how to run. I knew how to manipulate. Once I knew that I could get money for touching, and this may sound bad, but once I knew that I could touch a man’s penis for candy, that set the pace for when I was a teenager, and I could pull tricks as a prostitute. That’s what the residential school taught me. It taught me how to lie, how to manipulate, how to exchange sexual favours for cash, meals, whatever, whatever the case may be. (*The Survivors Speak* 120)

In light of Durocher’s testimony, and the thousands of survivors like her, Wagamese notes, “People who have been hurt often go on to hurt others, and our unhealed pain as Native people has deeply affected the lives of our children” (189). As reiterated in the final volume of the TRC report, *The Legacy*:

The research literature and Survivors’ statements to the Commission suggest that the legacy of residential schools is a significant factor in the over-representation of Aboriginal children in the child welfare system. According to a Saskatchewan study, there is strong evidence that “the residential school period [was] the beginning of an intergenerational cycle of neglect and abuse. This cycle is seen as one very important contributor to the significant over-representation of First Nations and Métis children and families in child welfare systems in the country today.” (31)

In light of this current evidence, Wagamese concludes: “Truth and Reconciliation are not,” as he puts it, “all about the survivors.’ They are about the descendants of those survivors, too. The brunt of the residential school experience is being borne by the younger generation... For every dollar paid out to the original survivors, an equal dollar amount should go to initiatives geared towards empowering our kids: education, employment, healing. That’s how we’ll achieve real reconciliation” (188-189).

This vital link between the residential schools and “an intergenerational cycle of neglect and abuse,” which Wagamese’s testimony illustrates, is precisely what the erroneous “historical distancing” of the residential school photographs obscure from the reader. By concealing the realities of the IRS system, the photographic images portray a false sense of “educational normalcy” at the residential schools and erroneously constitute Indigeneity as commensurate with poverty and illness (as opposed to Canada’s long history of racist and colonial oppression, upon which the IRS system was founded, giving rise to systematic and intergenerational economic disadvantages for generations of Indigenous communities). At the same time, the photo-archive obscures the historical *recentness* of the residential school system, inaccurately implying that the traumas of the IRS occurred “long ago” in distant history. Finally, and perhaps most importantly, the IRS photographs present a remarkably incomplete visual-story of the residential schools by failing to portray the most damaging scenes of oppression and abuse that occurred, particularly those scenes of: children being torn from their mother’s arms by Indian Agents and RCMP officers, the rampant physical and psychological abuse and widespread molestation of children as young as six years of age, the nonconsensual and unregulated medical and pharmaceutical experimentation on young Indigenous children, the unbridled malnutrition of victims as a means of disciplinary control,

and the many deep-seated and long-lasting intergenerational repercussions of the IRS on current and future generations of Indigenous men, women, and children.

In light of the “Schedule ‘N’” mandate to protect the identity of the perpetrators, it is no surprise that their Final Report presents a “visual story” that both compliments and perpetuates the “truncated passive” voice of the written report. In both the visual and written narratives, the reader’s unreciprocated gaze is continually directed exclusively toward the victims and always *away from* the perpetrators. Refusing to “name names” or reveal the identities of the assailants, both image and text work with each other to re-frame the legacy of the residential schools as a “sad chapter in our history” that is now seemingly closed (Harper, *Statement of Apology*) and also seemingly ethically “distant.” Guided and organized entirely according to the authority of the “Schedule ‘N’ Mandate,” the *Final Report* presents the nation with a radically skewed narrative of the residential school legacy that cleanses it of any allusion to criminality or the individual perpetration of human rights abuses, instead reframing the IRS system in general, ill-defined language of victimhood and survival.



Fig 4.14 (*Volume 1: History, Part 2*, p. 102)

Caption: “Girls at the Gordon’s, Saskatchewan, school. A 1967 study of nine residential schools in Saskatchewan concluded that 59.1% of the students enrolled were there for what were termed ‘welfare reasons’ and 40.9% for ‘education reasons.’”

Source: General Synod Archives, Anglican Church of Canada, M2008-10-P14.

Resisting the “Schedule ‘N’ Mandate”:

In light of this skewed dual-narrative, readers are left asking: “how, then, to challenge and refuse the authority of the Mandate?” One place we might start is Kent Monkman’s recent series of paintings featured in his 2017 exhibit, *Shame and Prejudice: A Story of Resilience*. Several of these works, depicting church and RCMP officials tearing Indigenous children from their mother’s arms, resituate the IRS crimes in their proper historical context – perhaps taking place during the “Sixties-Scoop” or later, with both the children and their mothers dressed in characteristic contemporary garb, as opposed to the anachronistic “costumes” depicted in the IRS photographs – and allow the viewer to visually contemplate some of the scenes that are “missing” from the residential school photographic archive. Moreover, the paintings also provide the viewer with the perpetrator’s “faces” (although fictional) of the Anglo-European RCMP officers, clergymen and women, and Indian Agents who terrorized Indigenous communities – but remain utterly obscured from the *Final Report*.



Fig. 4.15 Kent Monkman. “The Scream.” 2017. Acrylic on Canvas. *Shame and Prejudice: A Story of Resilience*. Art Museum at the University of Toronto.

At the opening of Monkman's exhibition at the Art Museum at the University of Toronto, which coincided with Canada's sesquicentennial anniversary, the text from Macdonald's 1883 speech to the House of Commons hung in large type across from his painting "The Scream" (Fig. 4.15), depicting a throng of RCMP officers, nuns, and priests wrestling children from their mothers' arms.

"One of the things that I wanted to achieve," Monkman suggested in an interview with the *Huffington Post*, "was to make history paintings that are reflective of events that have never been authorized to art history" (Paling, "Kent Monkman Walks Canada Back Through Time"). In a way, Monkman's IRS paintings demonstrate that these images have also never been authorized to Canada's shared historical narrative of the residential school system. Opening up the conventional visual narrative, Monkman's paintings radically intervene into the seemingly "perpetratorless" mandate of "Schedule 'N'" in a way that upsets and reverses the conventional "unreciprocated" gaze of the settler-Canadian. In the IRS photo-archive, the viewer's gaze is always directed solely on the victims in a visual relationship that simultaneously circumscribes a uniquely Canadian form of class-consciousness while also fetishizing the racialized bodies of Indigenous, Inuit, and Métis men, women, and children. By continually directing the reader's gaze upon the Indigenous child's racialized body – and presenting those bodies as the sole targets of the lust of the Anglo-European IRS perpetrators – both the text and the images of the *Final Report* codify Indigeneity according to the scopophilic desires of its white middle-class audience.

In an earlier painting by Monkman, "History is Painted by the Victors" (2013) (Fig. 4.16), the artist's muse and alter-ego – Miss Chief Eagle Testicle – appears standing at the foot of a sublime mountainous landscape, painting at an easel. Before her appear a group of young, naked white men, arranged in an extravagant sexualized display for her sole study. A

queer satirical reversal of the traditional Western fetishization of indigenous bodies, this piece stands as exemplary of Monkman’s overall approach to the visual-representation of Canadian history. By reversing the conventional settler-Indigenous roles, Monkman’s works redirect the Anglo-European viewer’s typical voyeuristic gaze back toward him or herself, foregrounding the implicit racialized and class-based fetishization that is inherent in this seemingly banal “visual” exchange of power relations.



Fig 4.16 Kent Monkman. “History is Painted by the Victors” (2013). Acrylic on canvas. *Shame and Prejudice: A Story of Resilience*. Art Museum at the University of Toronto.

In this way, Monkman’s works intrude upon the dominant historical narrative that typically presents the Indigenous body as an *object* of the settler-Canadian gaze. Challenging the “Schedule ‘N’ Mandate,” these images call into question the visual “syntax” of the IRS photographic archive – demanding that the story of the residential school system be told in the “active” voice, as opposed to the “truncated passive.” Not beholden to the Indian Residential School Settlement Agreement, Monkman’s paintings are free to “name names”

(whether fictional or not) and to make direct reference to the “civil or criminal liability” of the church emissaries, RCMP officers, and agents of the Federal Government who willfully enacted these crimes upon thousands of young Indigenous children. In doing so, Monkman’s paintings reverse the viewer’s gaze, redirecting it toward the perpetrators and, as a result, reframing the IRS crimes from “something that *happened to* Indigenous children” to “something that an entire class of adult men and women *deliberately carried out*” – thereby, opening up a discursive space through which to address issues of historical accountability and providing an outlet toward which to direct our collective judgments of blame and responsibility.



Fig. 4.17 Kent Monkman. “A Mother’s Grief” (2017). Acrylic on Canvas. *Shame and Prejudice: A Story of Resilience*. Art Museum at the University of Toronto.



Fig. 4.18 Kent Monkman. “Study for Mother and Child.” 2016. Acrylic on Panel. *Shame and Prejudice: A Story of Resilience*. Art Museum at the University of Toronto.



Fig. 4.19 Kent Monkman. “Study for the Removal of Children.” 2016. Acrylic on Panel. *Shame and Prejudice: A Story of Resilience*. Art Museum at the University of Toronto.

In a similar way, Jeff Barnaby’s 2013 film, *Rhymes for Young Ghouls*, likewise challenges the conventional narrative form that renders IRS victims as the exclusive object of settler-Canadians’ unreciprocated gaze. In resituating the residential school consequences in their proper (contemporary) historical context, *Rhymes* – like Monkman’s paintings – re-aims the viewer’s gaze away from the victims and *toward* the perpetrators, while simultaneously

underscoring the deep-rooted and ongoing aftereffects of the IRS system on today's generation of young Indigenous Canadians.

Far from a cerebral study of the cultural vicissitudes of "reconciliation," *Rhymes for Young Ghouls* instead works as a violent revenge-fantasy – telling the story of fifteen year-old Aila, a young Mi'kmaq girl on the fictional Red Crow reserve, who supports herself by selling drugs after the death of her mother and the subsequent imprisonment of her father. Using the proceeds from her illegal business, Aila is able to bribe the ruthless Indian Agent, Popper – referred to as paying a "truancy tax" – in order to avoid compulsory attendance at the fictional St. Dymphna's residential school. When her drug-money is stolen one day, Aila and her friends plan a desperate scheme to break into "St. D's" and steal the money required to keep her out of the residential school system. With her father returning home from jail and the discovery of her plan by Popper, Aila's world is suddenly turned upside-down. Forced to assimilate into the residential school system by Popper and a group of equally vicious nuns, *Rhymes for Young Ghouls* plunges into a brutally candid depiction of the physical, sexual, and psychological violence at the heart of the IRS system. The series of haunting scenes that take place within St. Dymphna's are unsettling in their brutal depiction of even the slightest interaction between child and perpetrator; every touch, every glance is rendered a blistering torment.

In a searing, critically acclaimed sequence, Aila is savagely stripped of her clothing and shorn of her braids by two sinister nuns after being taken into custody at "St. D's," before being violently bathed and forced into a dark cell (see Fig. 4.20 and 4.21). Chided by a menacing priest-figure and the ever-brooding Popper – who howls, "From here on in, it's the Queen's fucking English. Relish it!" – Aila's impending faceoff with the forbidding church figures and Indian Agent go on to constitute the main narrative arc of *Rhymes*.



Fig. 4.20 Barnaby, 2014. *Rhymes For Young Ghouls* [film still].

In Barnaby's film, the perpetrators are always the central protagonists. The brutal, violent scenes that initially garnered the film much critical recognition is, at all times, *enacted by* an individual assailant. While the unstinting portrayals of physical and sexual abuse within the walls of the residential schools may provide the preliminary talking points regarding the film, it is the brooding and terrorizing Popper, along with the church officials, who are always the focal point.

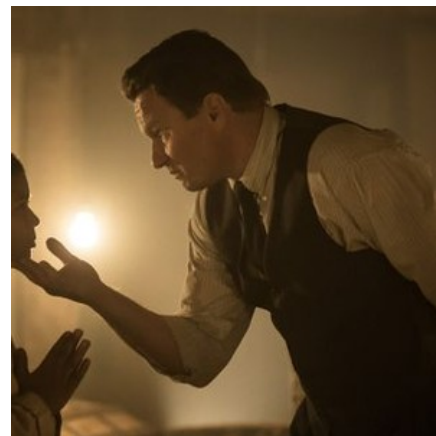
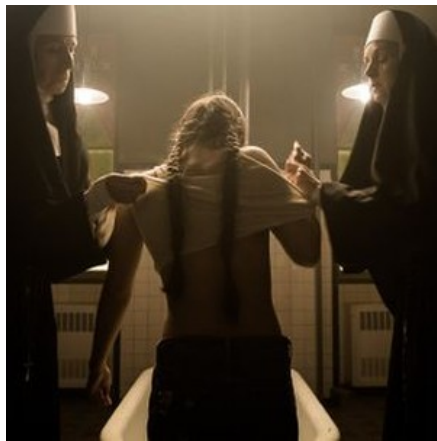


Fig. 4.21 and Fig. 4.22 Barnaby, 2014. *Rhymes For Young Ghouls* [film still].

Before escaping from St. Dymphna's with the help of a young male friend, Aila manages to carry out her original plan to steal twenty thousand dollars from the residential school – a somewhat stale allegory for the monetary reparations obtained in the IRS

Settlement Agreement. Fleeing with her father, with the aim of starting a new life together, the two ultimately engage in a climactic discussion regarding the intergenerational trauma of the IRS system and the urgency of stopping the all-too-common cycle of post-IRS abuse. This critical and weighty conversation, however, is interrupted when Popper intervenes, brutally beating Joseph before turning on Aila. While Popper attempts to rape the young girl, Joseph regains just enough strength to intervene, setting up a final, nauseatingly graphic scene: a closed-shot frame of Popper's face, as Joseph fires the Indian Agent's own rifle into it. The film ends with Aila's father falsely confessing to Popper's murder in order to shield Aila and the boy from legal persecution, his sacrifice providing the younger generation of Indigenous youths with a desperately needed release from the intergenerational cycle of IRS trauma.

In its vivid portrayal of the deep-rooted aftereffects of the residential schools – namely alcoholism, suicide, poverty, and imprisonment – *Rhymes For Young Ghouls* bears witness to Wagamese's claim regarding the “intergenerational cycle of neglect and abuse” set in motion by the IRS system. In directly resisting the implicit deference to the “Schedule ‘N’ Mandate” that guides the *Final TRC Report*, Barnaby's film – like Monkman's paintings – drags the settler-Canadian gaze away from the historically-instilled impulse to regulate the Indigenous body and, instead, toward an awareness of the perpetrators as willful-agents of systematized colonial persecution. At the same time, *Rhymes For Young Ghouls* provides the viewer with an alternative visual-narrative to the official IRS photo-archive, which emphasizes the historical *recentness*²² of the residential school system and demonstrates the degree to which the process of truth-telling extends far beyond the scope and form of the *Final Report*. As Chelsea Vowel argues:

The format, the beautiful cinematography, the amazing script, and a stellar cast makes [*Rhymes For Young Ghouls*] part of our collective history accessible in a way that no Royal Commission or official report can hope to match. More importantly, it utterly rips apart the notion that by beginning to gather an account of the residential school system we are in any way done the last bit of truth telling we need to undergo in this country. (Vowel, “Why Every Canadian Should Watch *Rhymes for Young Ghouls*”)

Looking Forward:

As Vowel suggests, it is precisely those cultural artifacts produced independently of the monophonic narrative framework of the Truth and Reconciliation Commission that demonstrate just how far we still have to go in the “truth-telling” process. Those films, photographs, paintings, museums, novels, and personal histories that provoke and challenge the “Schedule ‘N’” mandate of the TRC contribute to a multi-media “truth-telling” tapestry, reminding us that all public acts of remembrance are part of a collaborative process of cultural “negotiation, cross-referencing, and borrowing.” To the extent that historical novels are informed by photographs, films by oral testimonies, monuments by written stories, and *vice versa*, in a reciprocal nexus of “cultural remembrance,” the most effective way to preserve and sustain the memories of IRS victims is to engage fully with the multi-media pastiche of memory products that work with, against, and alongside to one another. A polyphony of voices and perspectives – including those of the perpetrators – is urgently required in order

to contribute to a comprehensive and constructive historical account of the residential school legacy.

Given that the *Final Report* has quickly become the leading document for the ways in which many Canadians have come to know (and will subsequently come to remember, across generations), the devastating consequences of Canada's colonial history, it is important that we rethink the ethical and cultural consequences of delineating the reconciliatory process according to the exclusive mandates of "Schedule 'N'." More specifically, in enabling the IRS Settlement Agreement to determine the political, cultural, and ideological context(s) according to which the residential school legacy is entered into the fabric of our shared cultural storytelling process, both Indigenous and Non-Indigenous Canadians alike risk transmuting the reconciliatory process into a perverse "voyeuristic" reflection on a watered-down version of history.

It will be especially important, in the ensuing years and decades, to keep a careful and vigilant eye on how the *Final Report* evolves, as these historical events are reconsidered and recontextualized in later editions and adaptations of the report. A rigorous mapping of these ever-changing revisions and reappraisals will be crucial for understanding how future generations will come to reckon with the legacy of the residential schools and for acknowledging how future acts of reconciliation will be performed by its readers. Given the solemn and far-reaching weight of the *Final Report* and its afterlife as a living historical and political artifact, it will be essential for us to continually monitor its socio-political evolution – especially considering how specific iterations of previous truth commission reports have often become hegemonic in public discourse as they were continually revised and reinterpreted. This was certainly the case during Nestor Kirchner's 2003-06 Presidency in Argentina, in which his administration officially "re-wrote" the *Nunca Más* report in an

attempt to portray the Kirchner period (rather than the formal return to democracy in 1983) as the key tipping-point in which social demands for truth and justice finally found their true champion (Crenzel, *The Memory* 137).

To this end, the cultural and political importance of the *Canadian TRC Report* cannot be overstated as the historical narrative that it sets forth continues to proliferate as both an educational tool and a vehicle for the implementation and achievement of reconciliation. As outlined in the “Schedule ‘N’ Mandate,” the primary purpose of creating the *Final Report* is the development of what the Commissioners call, “collective community narratives about the impact of the IRS system on former students, families and communities” (“Schedule ‘N’ Mandate”). And given that the initial Parliamentary report on the establishment of the TRC defines “reconciliation” as: “a new relationship between the parties concerned that emerges as a consequence of the commission and the truth it has reported on” (Schedule “N” of IRSSA), there exists a clear and unequivocal interconnection between the production of the *Final Report*, the “collective community narratives” that it proliferates and extends amongst the current and future generations of Canadians, and the performance and enactment of “acts of reconciliation.” Put simply, the *Final Report on the Canadian Truth and Reconciliation Commission* has been envisioned from the outset as the moral, political, and cultural blueprint for the national project of reconciliation – the bringing together of Aboriginal and non-Aboriginal Canadians within a framework of forgiveness, mercy, and fellowship – yet it is implicitly guided by an underlying refusal by the perpetrators to allow themselves to be seen or heard.

If, as Jacques Derrida suggests, forgiveness is a form of self-accusation – a turning of attention, a pointing one’s finger, *toward themselves* in order to declare, “I have done wrong!” – then the promise of Canadian reconciliation can not truly begin without a genuine and

sincere “turn toward the past” (Derrida 28). In the theatre of forgiveness, the audience must hear the repentant man speak, which, at least until now, the Canadian TRC has not allowed.

It is in this context, as the nation looks ahead toward a renewed relationship, grounded in forgiveness and hope, that an acute and rigorous understanding of the complex ways in which this momentous socio-cultural document has extended the private patterns of memory and mourning into a comprehensive historical narrative is crucial for future generations of both Aboriginal and non-Aboriginal Canadians, alike. Because the process of reconciliation will not stop when all of the personal, lived-memories of the residential school system will be lost, it is more urgent than ever that the voices of *both sides* coalesce into a single, comprehensive narrative. In the words that Richard Wagamese concludes his own personal meditation on the pain, hope, expectations of the reconciliatory process:

It’s a big word, reconciliation. It requires truth and true humility, on both sides. As Aboriginal people, we have an incredible capacity for survival and endurance, as well as for forgiveness. In reconciling with ourselves, we find the ability to create harmony with others. That is where it has to start - in the fertile soil of our own hearts, minds, and spirits. (Wagamese 45)



Sparks from a torch being used by maintenance staff during a repair job ignited a fire in the engine room of the Sturgeon Landing, Saskatchewan, school in 1952. The fire quickly spread and burned the school to the ground. St. Boniface Historical Society Archives, Fonds, Roman Catholic Archdiocese of Keewatin – Le Pas, N3637.

(Volume 1: Canada's Residential Schools: The History, Part 2: 1939 to 2000.

Chapter 3 Notes:

¹ In this sense, a “restorative” framework bespeaks of a traumatized yet unified cultural community, while “reconciliation” implies the restoring of relations between of two or more disengaged or isolated communities.

² In Chile, the Truth and Reconciliation Commission found that over four hundred alleged perpetrators were guilty of human rights violations and, based on the Commission's recommendations, several hundred criminal cases were opened. In the case of South Africa, the Commission was set up to hear testimony from thousands of alleged perpetrators concerning their involvement in the Apartheid system, granting conditional amnesty or recommending criminal prosecution to domestic courts, when appropriate. In each case, the Commissions had powers to subpoena, search, and seize the assets of alleged perpetrators in order to compel them to answer questions in a court of law (even if such answers were self-

incriminating), while each Commission was also appointed the difficult task of providing rulings on both former and sitting government officials.

³ In respect of The Assembly of Manitoba Chiefs (AMC) and the Anishinabek of Ontario, I opt to use the term “Indigenous” in referring to First Nations, Inuit, and Métis peoples. Since the term “Indian” is a foreign word, and given that the root meaning of the word Aboriginal, “ab,” is a Latin prefix meaning “away from” or “not,” neither are adequate terms when referring to the earliest inhabitants of our land. When referencing the Indian Residential School System, I abide by the terminology of the report. Likewise, when referring to the “Indian Act” or “Indian Agents,” I do so in accordance with their (current or historical) legal designations, in spite of my own personal misgivings.

⁴⁴ The term “Sixties Scoop” refers to the Canadian government’s increased practice of taking, or “scooping up,” Indigenous children from their families and communities for placement in residential schools or in foster homes. Despite the reference to one decade, the Sixties Scoop actually began in the late 1950s and persisted into the 1980s. It is estimated that, during this time, a total of 20,000 aboriginal children were taken from their families and fostered or adopted out to primarily white middle-class families. For a detailed account of the “Sixties Scoop” see: Crey, Ernie, & Fournier, Suzanne. *Stolen From Our Embrace. The Abduction of First Nations Children and the Restoration of Aboriginal Communities*. Vancouver: D&M Publishers Inc, 1998.

⁵ This was later increased to \$475 million.

⁶ This was later extended to six years.

⁷ The mandate refers only to an interdiction against “domestic legal action,” meaning, putatively, the Government of Canada (as well as the various Church organizations,

members of the RCMP, and former “Indian agents”) could still be tried at a future date according to “universal jurisdiction” arbitrage. In other words, a criminal case could *hypothetically* be brought against perpetrators of the Indian Residential School system in Spain, for instance, where the Spanish High Court recognizes the principle of universal jurisdiction.

⁸ Prime Minister Harper would also undercut this self-professed “historic” apology just over one year later, when he told a group of reporters at a press conference during the 2009 G8 Summit that Canada has “no history of colonialism.... We are unique in that regard” (Ljunggren).

⁹ In fact, a collection of excerpts from the survivor testimonies – co-edited by CBC journalist Shelagh Rogers – and published by the Aboriginal Healing Fund, was titled *Speaking My Truth: Reflections on Reconciliation and Residential School* (2012).

¹⁰ For instance, alongside thousands of victim-statements collected at TRC hearings, the editors of the *Final Report* have expertly weaved together personal statements from church and government officials extracted from a host of academic studies and personal memoirs, such as: Nicolas Coccola’s *They Call Me Father: Memoirs of Father Nicolas Coccola* (1988); H. W. Gibbon Stocken’s *Among the Blackfoot and Sarcee* (1976); *The Letters of Margaret Butcher: Missionary-Imperialism on the North Pacific Coast* [Edited by Mary-Ellen Kelm] (2006); Rosemary R. Gagan’s *A Sensitive Independence: Canadian Methodist Women Missionaries in Canada and the Orient, 1881–1925* (1992); and Ruth Matheson Buck’s *The Doctor Rode Side-Saddle* (1974).

¹¹ The exception to this syntactical pattern is an equally unusual, and highly ambiguous, alternative that replaces the active-Subject with the indeterminate denomination “Canada.” In these instances, it is vaguely stated that: “*Canada’s* Aboriginal policy [was] to eliminate

Aboriginal governments” (*Final Report: Volume 1*, 3); “[Canada] disempowered Aboriginal women” (3); “Canada outlawed Aboriginal spiritual practices”; and “Canada separated children from their parents” (*ibid.*, 4. Italics mine). Here the impersonal neutralization of the active-Subject again subverts the agency of those actual, historical perpetrators who willfully enacted these policies, and cunningly transfers responsibility onto an ahistorical and imaginary conception of the nation, “Canada.”

¹² Such as the testimony of a child who had escaped from the Kuper Island School, “he ‘was afraid of Father [name redacted], as he had been trying unnatural acts with him, also other boys” (Milloy 566).

¹³ The effect would have and could have been lessened had the structure been, for instance, “Sam had been hurt.”

¹⁴ I use the terms “voyeurism” and “scopophilia” here to describe a particular *pleasure* in looking that is derived from viewing a distant other and projecting one’s fantasies, usually sexual, onto that person, and a particular form of narcissism, a recognition of one’s self in the image of an other we are viewing. In my use of the term, I intend to describe the precise manner in which indigenous violence is presented to the white fetishized gaze at the nexus of power, politics, and pleasure.

Both words’ associations lean toward perversion, which is not necessarily pathological, but can be. Arguably, in the context of reading torture recountings, Scopophilia arises in the context of – to put it colloquially – peeking, fulfilling the desire to see what has been hidden, rendered taboo or uncivilized, and perhaps the Sartrean desire to be discovered deriving pleasure from the scene. While the *Report’s* purpose is to unhide the acts and the recipients’ experiences, there is still an inevitable “curtain” effect, because while the acts and

experiences may be in full narrative view, readers are allowed to stay behind a curtain as unidentified individuals. The curtain is the term “Canada,” which hides not only the predominantly white perpetrators *then*, but also Canadian readers’ multi-racial and ethnic and religious make up now. However, in trying to operationalize that wish (true wish fulfillment), the writers of the *Report* put readers in this potentially perverse position of unintentionally and unconsciously desiring (by reading) to “peek” (and its an immersive peek) at torture.

¹⁵ In light of various global shifts in terms of criminal and civil law (which have moved away from subject-focused justice to put more emphasis on proving crime and creating redress), we might be tempted to ask why the crimes, themselves, should *not* be considered more significant than the person(s) who committed them. For instance, those who advocate a Restorative judicial approach might suggest that an insistence on publicly “outing” criminal perpetrators implies that a particular model of justice (what we might call an active-subject focused judicial approach and thus a civilized evolution of justice-as-personal revenge model) is right and obvious. While I have no intention of engaging in a broad-ranging declamation on judicial ideology (nor am I qualified to do so), this point does warrant an explanation here.

Indeed, throughout the course of this chapter, *I am* implying (perhaps even advocating) a very particular mode of justice, but it is not so much based on personal revenge. Rather, it is grounded in the idea and promise that the Final Report represents the foundation for national reconciliation. And, as previous Truth and Reconciliation Commissions have established, reconciliation-as-justice necessitates the *active* participation of perpetrators and the very public outing of their crimes. I would argue that this is not necessarily a type of revenge or retribution per se, but there is surely an element of

punishment inherent in reconciliatory justice (at least until the Canadian case). The South African Truth and Reconciliation Commission, for instance, was very much predicated on its power to both subpoena perpetrators, compelling them to provide detailed testimony of their crimes, and to then either prosecute or amnesty those individuals based on this testimony. Likewise, the Chilean, Colombian, Peruvian, Congolese, Ghanaian, Fijian, East Timorese, as well as the currently-unfolding Gambian and the uncompleted Yugoslav Truth and Reconciliation Commissions were (and are) each similarly dependant on both the active participation of perpetrators (by way of subpoena) as well as the threat of criminal punishment.

In this sense, reconciliation (as both a legal concept and a moral project) is grounded in the very idea that the victims and perpetrators openly acknowledge both the crimes that have been committed as well as the trauma that has resulted from them, and then agree to work toward redressing the harm caused by those actions. In other words, the victims cannot come together *with* the perpetrators and bystanders to enact the project of reconciliation if the perpetrators are never pressured into giving their testimony and acknowledging their roles in crimes. In fact, I would go so far as to suggest their non-participation *inhibits* the healing of the victims and precludes the possibility of reconciliation.

However, since “reconciliation” is the type of justice being marketed to Canadians here (as opposed to the outright punitive approach of the Nuremberg Trials or the restorative approach of the Argentine “Trial of the Juntas”), it is *essential* that the perpetrators be held accountable for their crimes (or at the very least are “outed” *as* perpetrators). Otherwise, this can only ever be a Truth Commission, with no potential for reconciliation.

¹⁶ According to legend, “Lady Godiva” – an English noblewoman and wife of Sir Leofric, Earl of Mercia – agreed to her husband’s proposition that he would reduce unpopular taxes only if she rode naked on horseback through Coventry’s marketplace. According to later versions of the story, nobody watched except “peeping Tom,” who was struck blind in punishment. Perhaps there is a metaphor, then, to be drawn between the lawmaking Earl and the government of Canada, who consented to the Settlement Agreement if the victims could be paraded throughout the nation at the various regional TRC events and, ultimately, within the pages of the *Final Report*. If we can be permitted to draw such a crude metaphor, it would be the settler Canadian readers who are then thrust into the position of “peeping Tom.”

¹⁷ However, when presented in the “truncated passive” voice, the reader is unencumbered by the moral obligations associated with the typical “active” testimonial syntax. When we read or listen to a victim – such as Señor Urquiza – describe their abuse in a way that focuses our readerly attention on their abuser, our indignation is easily transferred to the assailant, rearranging the scene from a voyeuristic spectacle of “individual pain” into a demonstration of willful moral and legal transgression.

¹⁸ In addition to the laconic rhythm of the repetitive and ill-defined accounts of abuse, the juxtaposition between the somewhat erudite prose-style of the overarching narrative and the uncouth (or perhaps, unrefined) vernacular of the victim-testimony produces what I might call a uniquely Canadian form of class-consciousness, which encourages the voyeuristic “gaze” of the settler-Canadian.

¹⁹ This racist rhetoric was famously repeated by Conservative Senator Lynn Beyak, when she defended the residential school system in the Senate Chamber in March 2017,

lamenting that the “good deeds” accomplished by “well-intentioned” religious teachers have been overshadowed by negative reports documented by the Truth and Reconciliation Commission. See: Tasker, John Paul. “Conservative senator defends ‘well-intentioned residential school system.’” *CBC News*.

²⁰ Deontology refers to the moral philosophy that judges morality based on duty (*deon*) or obligation, and most commonly refers to the moral philosophy of Immanuel Kant. In *Groundwork of the Metaphysics of Morals*, Kant argues that it is not the consequences of actions that make them “right” or “wrong,” but rather the motives of the person who carries them out. If someone inadvertently causes harm to another person while *intending* to fulfill what they perceive as their moral duty, they are – according to the Kantian form of deontology – *not* morally accountable. For a detailed account of Kant’s notion of a “good will,” see: *Groundwork of the Metaphysics of Morals in Practical Philosophy*, pp. 37-108.

²¹ I use the term anachronistic here, in the sense that the photographs give the false impression that the Indian Residential School belongs to a distant historical period (many of them were taken between the turn of the 20th century and the 1930s). In fact, the largest number of forced removals occurred relatively recently, between the 1960s and 1980s, yet very few photographs from this period are featured in the Final Reports.

²² That is, the film portrays the violence of the IRS system as occurring only decades ago in the 1970s, as opposed to the Final Report’s photographic imagery, which often depicts the schools as having operated in a much more distant historical period.

Conclusion: Will We Be “Haunted?”

I began this study by questioning the “history-writing” promise of transitional justice in the wake of mass atrocities. What does it mean for a nation to come to terms with a legacy of large-scale past abuses? Does the collective “acknowledgment” of past crimes amount to justice? Does the phrase, “ensuring accountability,” demand an appeal to the psychology of inter-group or community emotions? And in turn, do the emotional climates of guilt or shame help foster reconciliatory efforts or hinder them? To what extent is the public airing of violent testimony bound up with its audience’s scopophilic impulses? What are the lasting political and moral implications of “narrating blame”? Or of *not* narrating blame? And lastly, what does it mean to “give a report of” extreme violence? To *show* or to *tell* someone else’s suffering? To put that pain into a story – a story that then participates in the construction of an entire community’s shared identity?

In this conclusion, I would like to briefly extend these enquiries beyond recent history, and look forward. While Canada’s Truth and Reconciliation Commission has ended and its ten-volume report has been published, an impressive reconciliatory undertaking is now currently unfolding. What that reconciliation will look like – what that reconciliation will *be* – is entirely constituted by *how* Canadians understand *what*, *how*, and *why* the IRS system was what it was, because they – we – are the ones who will continue to tell its story. Reconciliation and justice are gestures; they are enacted, performed. And the ways that we, as a community, tell the story of the Residential School system, is part of that enactment. So, too, are the ways that we *read* that story, *listen* to that story, and *teach* that story.

Mariana Enríquez says that her generation is “haunted” by the two demons of Argentina’s past. The question, then, becomes: will the *next* generations of Canadians be similarly haunted by the legacy of the Residential School system?

The issue, in short, is that, when faced with histories of injustice and atrocity, a nation’s desire to construct public visions of that history are almost always motivated by current political or economic objectives, and hardly ever by ethical ones. Addressing this challenge requires being continuously attentive to how stories transform the desires, imaginations, and identities of readers.

It also requires acknowledging that these historical narratives are not objective, permanent, or fixed objects that take shape in-and-of themselves. They are crafted by and for people (both real and imagined). To put it simply, narrative is not a language talking to itself. *Final Reports* do not represent a State speaking to History. These stories imply someone telling another person or group about something that happened to real people in the past. There is an author, a reader, and a referent. And as a fundamentally interpersonal act – between, and of, persons – we ought to be continually attentive to what I might call, an ethics of narrative.

When negotiating these texts, we must continually question who is given the ability to speak for or as the State. We must permit those individuals or groups who, by virtue of history, are made persistently vulnerable to exclusion, to speak for themselves, in their own voices – in their own verb-tenses even. This challenge does not so much present a narrative or interpretive problem to be overcome as much as a perpetual mindfulness of the individuals within and on either end of the narration process.

If we are to attend ourselves collectively to these problems, then the difficulties they present are also somewhat ameliorated by the fact that collective memories are never permanent. Memories are continually shifting and re-aligning, being re-shaped, re-contextualized, and re-framed. Historical narratives can be set right. Consider President Kirchner's new preface to the 2006 edition of *Nunca Más* and its momentous re-contextualization of the "Two Demons" narrative. Collective memories can also be removed: statues can be taken down, histories can be rewritten, and performances changed – although often their remnants can serve as valuable reminders or deterrents. Decisions about what and how to remember are therefore not permanent, even though the construction of collective memory is essentially directed toward the future. The future may inherit our memories, but it does not have to accept them. There will always be space in the memorial landscapes we make and share with past and future persons for re-negotiation and change as we move together.

As I write this, the Tunisian Truth and Dignity Commission (*Instance Vérité et Dignité*), established in 2013 following the Tunisian Revolution (as part of what is commonly referred to as the Arab Spring), is currently underway. Its purpose is to use both judicial and non-judicial mechanisms to investigate flagrant human rights violations committed by the Tunisian government since 1955, and to provide compensation and rehabilitation to victims. It will, inevitably, tell a story. And that story will directly and incontrovertibly shape the ways in which Tunisia's national trauma will be absorbed into the cultural storytelling process. It will lay a new moral groundwork for how that society will look back upon its past, reconstructing public consciousness according to carefully drawn moral, legal, and ideological lines. And that public consciousness will then disseminate, giving rise to stories,

textbooks, films, novels, poems, performances, and visual representations of the past. The question is: Will future generations be “haunted” by that past?

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