

**Teresa Macias**  
**Department of Sociology and Equity Studies**  
**OISE/University of Toronto**  
**IDRC Doctoral Award**

## **TECHNICAL REPORT**

### Introduction:

This technical report refers to the IDRC award period starting on June, 2003, date I arrived in Chile, and ending May 31, 2004. Overall, this report demonstrates that most of the research and academic objectives and activities proposed for this period were met with few modifications to the original schedule. However, as I have informed the IDRC program officer, I have suffered a lost of data due to an unfortunate disaster. Last February, while I was on a research trip in Valparaiso, the apartment, in the second floor of a house, I resided in was caught in a forest fire that reached several communities in the west part of Santiago. The fire was caused by an extraordinarily hot and dry summer that created many environmental problems in Chilean central region. At the time of the fire, there was nobody in the house and, consequently, it was completely burnt down. In addition to the lost of most of my and my son's personal belongings, I lost my computer, all the books I had brought with me from Canada and that I had bought in Chile, files with archival research, back-up disks, photographic records, taped and transcribed interviews, etc. Most personal documentation (passport, visas) were also burnt. This fire was left me and my son in a very precarious economic situation. At this moment I am temporarily living with friends and attempting to continue working on my thesis and reorganizing my life and my work. The recuperation of lost research requires additional months of work which I have already began.

In addition to this unfortunate loss, there have been new developments in human rights policies in Chile that merit a period of additional research in order for the doctorate thesis to represent a comprehensive analysis of the human rights situation in Chile. Consequently, I have applied for an additional term of tenure of IDRC award in order to recover from the loss of data and conduct the additional research. I would like to emphasize that I continue to be completely committed to this research project. I decided not to return to Canada immediately after the fire, an obvious choice after suffering such loss, because I feel now more than ever that completing the doctoral thesis is important both as a professional achievement and, now specifically, as a personal challenge.

The present document reports on the research activities of the last year including archival research and interviews; a summary of methodological issues associated with the research activities; and the success and problems encountered in the process of conducting research. I will also give a preliminary brief analysis of the data collected. This preliminary analysis may not be as comprehensive as I would like due to the reasons I explained above. However, my intention is to present a summary view of the data that hopefully will demonstrate the extent of the work accomplished during the tenure of this award. As well, I will report on other academic activities, specially as they refer to participation in seminars at ARCIS University that have greatly contributed to my academic development in the field of Latin American studies in the last year.

### **Data Collection.**

As indicated in the original research proposal, the aim of the proposed research is to conduct qualitative research on the human rights situation in Chile since the end of the Pinochet dictatorship in 1990, and to associate human rights policies to discourses of nationalism and

national reconstruction. The research conducted has been focused on the mayor strategies used by the post-Pinochet Chilean state since its insertion. In this process, I have identified three mayor human rights programs instituted by the State: The Retting Commission on Truth, Justice and Reconciliation<sup>1</sup>, the Mesa de Dialogo<sup>2</sup> and the latest National Commission on Torture and Political Imprisonment. The first two initiatives require a historical analysis, while the latest Commission which was instituted last November and began functioning in January 2004, will require research on current events. Being the Commission a later development in Chilean policy, it is not part of the original IDRC proposal and it constitutes an important aspect of the proposed research plan for the next year. In addition to the three mayor state initiatives mentioned above, the state has also institute secondary programs which support the practical aspects of policy implementation. Here we can mention the programs such as the Corporacion Nacional de Reparacion y Reconciliacion, and the Commission on Symbolic Reparation; the latest having to do with the construction of memorials and monuments. The mandate of these institutions is to

---

<sup>1</sup>Instituted in 1990 by the first transitional government of Patricio Aylwin, the commission was created with the mandate to find a “generic truth” on cases of detained and disappeared people during the military regimen. The commission studied almost 3,000 cases and sent those in which state involvement was suspected to the criminal courts for further investigation and prosecution. The commission presented its report in 1991, report that was used to institute compensatory measures to survivors and victims .

<sup>2</sup>La Mesa de Dialogo was instituted in 2000 by Chile’s third transitional government of Ricardo Lagos as an initiative to find the whereabouts of disappeared people. The Mesa was constituted by human rights activists, members of the arm forces, religious leaders and representatives of different sectors of social life. As it was the case with the Retting commission, the mandate of the Mesa was to find truth, but could not assign blame for violations of human rights.

qualify and assign compensation, provide medical attention and educational opportunities to victims and families of victims of human rights violations; and to institute measures for public recognition and honoring of victims. As a whole, these initiatives constitute the extend of government response to human rights demands.

Since the beginning of the negotiations that led to the democratic transition that ended the dictatorship, social conflicts over the violation of human rights during the Pinochet dictatorship have sprung considerable public debate. Since the establishment of democracy and the insertion of the Rettig Commission on Truth, Justice and Reconciliation, one of the first order of business of the Aylwin Administration, this debate has been taken to the institutional terrain as negotiations between the state and diverse interest groups have influenced state policy. Over the last 14 years, this debate has had many important conjunctures; historical moments at which the state has been forced to either reinforce or change its strategy to resolve social conflicts. The research I have conducted in the last year has been specifically focused on the evolution of the human rights debate over the last 14 years, paying special attention to the concrete ways in which the state has attempted to settled the human rights conflicts; and arguing that through human rights policies, the democratic transition has struggled to institute itself as a legitimate democratic solution to social conflict. It is my contention that through an analysis of human rights debates in Chile, we can trace the constitution of national narratives and the establishment of governmental rationalities in post-Pinochet Chile.

In order to accomplish this analysis, I have focused specifically on public debate concerning human rights since 1990 paying special attention to public discourse and its influence as foundation and justification for state policy. As I understand this process of policy development both as a process of nation-building founded on specific national narratives and as a

field of constant confrontation between state and interest groups, I have centered my analysis on the process by which the state constantly negotiates a national image against the demands of those who attempt to upset the apparently neat image of the democratic nation. My argument is that national narratives and national projects are predicated on the exclusion of certain groups from the national mythology and from the governmental project, but that this exclusion is not clear-cut. On the contrary, excluded groups contribute greatly to the delimitation of the boundaries of national narratives and to the negotiations concerning social policy. In this research I have concerned myself with tracing these negotiations between the state and excluded groups and with the manner in which these negotiations shape the post-Pinochet democratic nation.

#### **Data collection.**

During the last year, I have conducted research using two mayor methods of data gathering. First, I have conducted 16 of the 20 interviews originally proposed. I would like to highlight the opportunity I had to interview Chile's first transitional president, Patricio Aylwin. The 4 remaining interviews are planed to be conducted in Southern Regions of the country at the end of May. These interviews have been conducted specifically with public actors in the field of human rights, including members of human rights groups and policy makers, targeting specifically those who although are a part of public discourses do not get the same coverage than government high officials or nationally recognized activists. Thus, the interviews were conducted with human right activists members of grass roots organizations, specially organizations located outside Santiago during a trip to the Northern cities of Arica, Iquique, Vallenar and La Serena, and with policy makers and workers of human rights programs. The

interviews were 2 hours in length and dealt specifically with the informants' experiences and participation in human rights debates, their opinion concerning state policy and the role they think human rights policies play in maintaining democracy. In the case of human rights activists, they were also asked to comment on their role as activists, their relationship to other activists, as well as, the challenges they confront, and the networks they have attempted to build with other organizations. The interviews were fairly un-structured using some open questions to guide the informant's responses. Considering that an important element of my thesis is the introduction of an ethno-racial, class and gender interconnected analysis to the constitution of the Chilean nation, I made an effort to make the sample of informants class, gender and race representative. I interviewed 10 women and 6 men. Most women were human rights activists and most men were members of state institutions. Of the 16 interviews, 9 informants identified as coming from working class backgrounds and 5 self-identified as having aboriginal ancestry.

Overall, the interviews were conducted with few inconveniences. Some challenges emerged which I will discuss in the section dealing with methodological issues. The interviews were originally taped and later transcribed almost in their entirety. There were 3 interviews which remained to be transcribed at the time of the fire. However, the fire destroyed several of the interviews which had not yet been sent to participants for revisions. Only 9 of the interviews were sent for revision. I have recovered those interviews from participants with comments. The remaining 7 interviews need to be reconstructed from partial records and through the conduction of follow up interviews with the original informants.

Secondly, I conducted extensive archival research at the Vicaria de la Solidaridad and at smaller documentation centers belonging to human rights organizations such as the Association of Families of the Detained Disappeared (AFDD) and Villa Grimaldi. I also recollected archival

material during visits to the North at the archives of organizations such as La Coordinadora de Familiares de Arica, The Agrupacion de Familiares de Detenidos Desaparecidos y Ejecutados Politicos de Iquique, y la Agrupacion de Derechos Humanos de la IV Region in La Serena. In this archival research I focused specifically on documentation and records concerning organizations' activities, press releases, memos, reports and other documents that spoke of the organization's role and participation in human rights debates and in the different instances for participation instituted by the Chilean state. This aspect of archival research shed light on aspects of human rights debates that do not usually receive official attention. Another aspect of archival research was conducted on official archives, specially the presidential archives in la Moneda, and the offices of the Library of Congress in Valparaiso and Santiago. This archival research was centered on the gathering of documentation and records concerning political debates in Parliament, transcription of Parliamentary debates, records of testimonies given during Rettig Commission and Mesa de Dialogo hearings, and written reports from members of Parliamentary committees and members of the Rettig Commission and the Mesa de Dialogo. I also gathered an extensive collection of presidential speeches and speeches from key state officials (Ministers of the Interior, Foreigner affairs, Defense, etc) given at different historical conjunctures of the human rights debate and at special occasions such as United Nations Assemblies. Although a large part of the gathered documentation was also lost in the fire, I managed to recover part of the data that had been saved in the University computer network. However, not all the data was saved in the network due to restriction of disk space. I am already working on reconstructing the files.

In addition to the archival documentation and the interviews, I also gathered an extensive photographic record specially of public events and commemoration monuments which are also

being considered as elements and expressions of public debates on human rights. I photographed commemorative plates, plazas, tombs and monuments. I also collected photographs existing in archives concerning past public events. I would like to call attention to the pictures taken of the commemorative walls at Cementario General and Villa Grimaldi where names of victims of human rights crimes are listed, and of Patio 29 where many detained and disappeared people were buried in unmarked graves. Additionally, I have collected pictures of old detention and torture centers as well as of important massive demonstrations. In total I now have about 200 pictures. I am enclosing to this technical report a CD with a sample of these pictures.

### **Methodological issues.**

In general, the methods proposed to gather data have proven to be effective. However, there are a few challenges that are worth mentioning. For instance, the interview process was at times challenging due to the difficulty to set up interviews with key informants. Chilean culture is not as structured in terms of keeping appointments as Canadian culture. As a result, there were times when interviews were set up and could not be done because the interviewees were at the last minute unavailable. This was specially challenging when attempting to conduct interviews during the trip to the North where time frames were more restricted. Another challenging aspect was the reality that confront many human rights organization that work on a voluntary basis and where activists have other activities beside their commitment to human rights struggles. This resulted in limited availability of time for interviews. Furthermore, some human rights activists were weary about participation in research because of their experiences with other researchers in the past who, according to activists, did not conduct responsible research. For instance, some of these researchers did not share their results with participants and this made it difficult for



participants to appreciate the implications of research. As well, many activists felt that researchers sometimes used their personal lives and the pain associated with human rights violations to advance their careers and not to advance human rights causes. I attempted to deal with these concerns by trying to develop trust with activists by clarifying the goals of my research, providing information about my personal and academic background, and by setting clear processes for sharing results.

It is important to mention that although the research attempts to introduce an ethno-racial analysis, human rights debates in Chile have for the most part excluded aboriginal considerations. There has not been any systematic analysis of the impact of human rights violations during the Pinochet dictatorship on aboriginal communities. This is further complicated by a difficulty to identify activists and human rights groups that specialize on aboriginal concerns. I have also encountered reluctance in the few existing groups to share their experiences as many aboriginal communities are still in conflict with the state and they feel human rights violations are still a daily reality for them. As a result, the trip originally proposed to the South of Chile where most aboriginal activist groups are working has been postponed while I develop more concrete contacts with members of those communities. This difficulty is in itself a point to make about the racial and ethnic aspects of human rights debates in Chile.

A further challenge has been the long distances that exist between the city of Santiago and many of the cities where human right work is done. Chile has the characteristic of being a rather centralized country where most government activities are located in the Central Region. This contrasts with rather local experiences. In spite of the fact that human rights groups have attempted to develop centralized coalitions, they still confront local realities that vary and that at times cause that people living in cities other than Santiago feel excluded from human rights

debates. The geographical distance makes it challenging to include these varied experiences into the research. Travel is expensive and takes time. The trip to the North, for example, took three days each way and the time spent conducting research ended up being too short to gain a more comprehensive understanding of local realities. In the next period of research, I hope to be able to extend my traveling time and conduct longer visits.

Another challenge confronted during the research has to do with the lack of resources confronted by human rights activist groups and their inability to maintain organized or properly staffed archives. The archives of the Vicaria de la Solidaridad are probably one partial exception. While they attempt to keep their archives in order, they do not always have staff available to maintain the archives open for more extensive office hours. This limited the time I could spend conducting research. More precarious is the situation of grass roots organizations that do not have resources to keep their archives in order, let alone have staff to look after the documentation. As a result of this, I had to spend a lot of time finding my way around archives that were rather disorganized and unkept and that many times consisted of piles of documentation. This condition also applies partially to the archives of the Library of Congress where resources are also limited and where documentation is kept partially in Santiago and partially in Valparaiso. This condition was further aggravated by the reluctance in the part of the Library of Congress to give access to archives that are deemed restricted. The securing of proper authorization and credentials was a rather bureaucratic process, which, due to another Chilean cultural condition, also required a considerable amount of political influences. These difficulties added time to my research activities.

Finally, the relationship I was able to develop with Universidad ARCIS also presented challenges and advantages. As I have indicated before, while the university offered me an

opportunity to be a visiting scholar in their Doctorate program with access to computer and library facilities, as well as, academic credentials to access archives, once I arrived in Chile, the university did not seem able to deliver the services offered. This was not the result of lack of interest, but more the result of lack of infrastructure which made it difficult to use limited facilities. As well, the university did not have a formal category to locate me as a visiting scholar, for I was neither registered as a student, nor working as an academic. This made it impossible for me to get a library card or credentials that could give access to university libraries and archives. Consequently, I was required to obtain these credentials by myself and access to government records had to be negotiated with letters of support from my professors at University of Toronto. This caused some delays in the research.

However, I also need to recognize that while ARCIS could not deliver some of the services it had premised, the university did offer me a unique and valuable opportunity to be involved in seminars and classes within a program focused specifically on Latin American studies. The University of Toronto could not offer that opportunity and being in Chile allowed me to be immersed in a field of study I could have never be involved with in Canada. This is in itself the great advantage of a residence period in Chile; the opportunity to conduct research on the field and to get to know the literature and other academic research in my area of study. I attended 2 seminars during my first semester in Chile and I plan to attend another seminar this coming semester. I consider this involvement critically influential in my professional and academic development process.

### **Preliminary data analysis.**

In concluding this report, I wish to venture some reflections concerning preliminary results of this research. As the data gathered is rather extensive, it is impossible to summarise all relevant conclusions here. Consequently, I will limit myself to mayor aspects of the research and to an organization of the discussion along the three mayor areas that constitute the core of my research hypothesis. That is, the role of human rights policy in the constitution of national narratives; the way in which the constitution of these national narratives is predicated on the exclusion of certain discourses and subjects, specifically women, the poor and aboriginal communities; and the role of these marginalised groups in the constant contestation and re-constitution of the Chilean nation. As I have argued in my comprehensive examinations, human rights policies in Chile constitute a practice of government based on the normalization of specific discourses of nation, the subjectification of specific forms of citizenship, and the exclusion of particular populations. As a governmental rationality, human rights policy is also a form of government predicated on the apparent freedom of individuals who are perceived as capable of contestation and resistance. As subjects exercise their freedom, they also attempt to influence state policy resulting, in this way, in the constant contestation and re-negotiation of national narratives. In this preliminary analysis, I propose some fields in which this hypothesis can be tested.

In the last year, I have systematically gathered data and conducted interviews concerning mayor historical conjunctions in human rights policy. Thus, I have conducted research concerning public discourse during the first period of the transition from the moment Patricio Aylwin comes to power, to the moment he proposes the institution of the Retting Commission on Truth, Justice and Reconciliation. Then, I researched the existing documentation and public records concerning the Retting Commission, focussing on the existing archives that recorded the

debate about the institution of the Commission, its process of gathering information about human rights violations, and the public reactions to the publication of its report. I also searched for information about the Commission on Compensation and Restitution which was instituted as a follow-up of the Rettig Commission and as a process for assigning economic and symbolic compensation for human rights violations. This Commission is still in place today. After that, I gathered data concerning the Mesa de Dialogo, the debate concerning its institution, the process by which the Mesa gathered testimonies of human rights violations, and the reactions to its report. Finally, I have, lately paid attention to the formulation of another stage in human rights policy. That is, the latest institution of the National Commission on Torture and Political Imprisonment proposed by the state as the last stage in the process of achieving reconciliation. This Commission has not yet begun its process of gathering testimonies. That process will begin in the next months and a report is expected for next year. This aspect of the research is being proposed for a second term of tenure of the IDRC award.

The literature review I conducted at the beginning of the research along with the interviews and archival research suggest that the Pinochet regime based its governmental practices on regimes of terror based on domination and complete control over the territory and the population. As Jose Joaquin Brunner (Brunner 1983) argues, authoritarian rule became a mode of discipline that authorized the establishment of neo-capitalism and its institutions as the perfect complement for a society based on domination and subjugation. The authoritarian regime installed specific forms of government based on discourses of citizenship, terrorism and nationalism that authorized the supremacy of terror as a ruling practice. This form of ruling required the deployment of specific forms of knowledge centred on the negation of other ideological systems; specifically the negation of the ideological constructs that had supported the

populist democratic model proposed by the deposed socialist government. The subject and the citizen within the regimen were delimited by the restrictive and disciplinary discourses that drew a division between the patriotic submissive subject and the terrorist Other (Gajardo and Macias 2000). The archival data collected suggests that violations of human rights were themselves legitimized through the use nationalist ideologies based on a concept of patriotism that placed the nation in conditions of constant threat from interior enemies. Authoritarian governmentality as the articulations of these concepts of threats rendered subjects governable, legitimising, in this way, practices of ruling based on the systematic violation of human rights. Thus, human rights violations during the regime were not conceptualized as abuse of power, but rather as the legitimate actions of the state against a recognized enemy during a war against terrorism and communism. This resulted in the negation of the conditions of violence that became a daily reality for a mayor section of the Chilean population.

As the military regimen gave way to a negotiated transition into democracy, the Chilean state experienced a shift in governmental practices which rested on the apparent negation of past violence from official discourse, and the imposition of conciliation as a democratic value. It is worthwhile to mention that this shift is in no way drastic, but rather a process of gradual transformation, the result of international shifts in power configurations. As Elin Skaar argues, these shifts in power configurations resulted in strategic support for re-emerging political elites that could sit as equal partner in the transitional negotiating table (Skaar 1999). The transition into democracy is considered by Moulian as the culmination of a process of transformation that began during the dictatorship as a preparation for the end of the dictatorship: a transformation aimed at allowing the neo-liberal ideologies imposed during the regime to endure after the regime (p145). This transformation extended to the formulation of

new *saberes*/ knowledge that laid the foundation for the reconstitution of the subject citizen, and the formulation of democratic national narratives. The discursive constructs that supported the transition were fundamentally based on a negation of past human rights violation; a negation that was, according to the architects of the transition, necessary to achieve a peaceful transition to democracy. As one informant indicated, “to recognize that the regime with which we were negotiating had committed such crimes against the population....was to recognize the [inherited] illegitimacy of the negotiation”. Thus, in order to facilitate the transition to democracy, the process of political negotiation required to “push the legacy of military violence under the rug of conciliation” (interview). In this way, the transition to democracy had the effect of not only negating human rights violations and in this way, as the 1991 Activity Report of the Association of Families of the Detained and Disappeared (AFDD) indicates, “erase the tortured bodies from the conciliatory landscape of the transition”, but also whitening the military regime, devolving it of responsibility for human rights violations. I argue that this is a negation more than an erasure because, as the research indicates, human rights issues are never truly recognized as a concern of the military regime who makes every effort to keep the issue from the negotiating table.

Nevertheless, the transition to democracy is constantly faced with demands for justice and recognition in cases of past human rights violations, and the legacy of violence left by the military regimen confronts the transition to democracy from very early on. In fact, the human rights problematic challenges the transition from its very insertion pushing against the apparently conciliatory image of the transition. Human rights groups, associations of victims and international social justice groups constantly struggle to put the human rights problematic on the transitional negotiation agenda. This is a first indication of the contested character of the

transition which, in the 14 years since the end of the military regime, has forced the state to constantly reformulate its position in relation to human rights issues. The presence of human rights demands in the transitional debate responds to the characteristics described by Michel Foucault in his study of sexuality discourses [Foucault, 1985 #384; Foucault, 1990 #349], for while the transition attempts to leave human rights demands out of the negotiation, it is precisely this process of discursive exclusion that brings human rights into the realm of explicit public and political calculations. Calculations that regulate the conceptualization of human rights discourses and restricts the reach of human rights policies. These calculations and conceptualizations manifest themselves in public discourse framing human rights issues within an enduring truth, justice and reconciliation framework. For instance, in his 1990 inaugural speech, President Patricio Aylwin outlines the need to create human rights programs that could ensure true conciliation and justice in the new democracy. As he indicated in this speech,

we have said that the moral consciousness of the nation requires that we ascertain the truth about the disappearance of persons, about these horrendous crimes and other grave violations of human rights occurred during the dictatorship. We have also said that we need to consider this delicate matter in a way that conciliates the virtue of justice with the virtue of prudence and that, once we determine personal responsibilities as they may correspond, there will be time for forgiveness.

In another section of the speech, Aylwin indicates that

we will still confront other difficulties that originate from within ourselves. I would call them “the great temptations”: the temptations to involve ourselves in a vendetta,...the temptation of abusing power



And, ten years later President Lagos's inaugural speech also states,

it is our commitment....to make the world see that the Chilean people are capable of reconciling in truth, justice and respect for human rights....My task today is to cultivate and enrich conciliation, not to promote confrontation or vengeance. I pretend, however, to be a President that identifies with truth, with transparence and with justice.

Here is where the transition confronts its mayor dilemma, for while on the one hand, the transition is predicated on a conciliatory climate based on the legitimization of the past military regimen<sup>3</sup>, the challenges posed by human rights demands constantly threat the imposed conciliatory character of the transition. Therefore, the emerging democracy needs to bring the matter of human rights violations into a process of calculation and regulation that can allow the state to appear as giving solutions to demands while also maintaining an image of conciliation with the military and with the rest of society. This negotiation is achieved through the endorsement of a framework based on discourses of truth, justice and reconciliation that allow to conceptualize justice and truth, necessary elements for dealing with human rights demand, while maintaining reconciliation as the factor that restricts justice in the name of peace.

---

<sup>3</sup>As Professor Juan Carlos Gomes Leighton indicates, the process of negotiating the transition necessarily requires the legitimization of the military regime through the recognition of its representatives as legitimate partner in the negotiation (interview, Universidad ARCIS, June 2003)

The data collected suggests that truth, reconciliation and justice are enduring adjectives used to characterize the state's human rights policies. The transition is framed by the state as accepting diverse political positions as long as they do not incur in confrontations. Pluralism and consensus is imposed on the transition through discourses that constantly stress the need to deal with human rights violations within climates of consensus, conciliation and forgiveness. Patricio Aylwin's concept of "justice only to the extent that it is humanly possible", and the Mesa de Doalogo's policy of "justice with clemency" are concrete examples of the manner in which discourses of consensus, conciliation and forgiveness are deployed to encapsulate human rights debates. As Ricardo Lagos indicated in the press conference that informed the country of the institution of the Commission on Torture and Political Imprisonment, "three have been the pillars on which we have built our human rights policy: Truth, justice and reconciliation. Three pillars that are also three moral values to which we are not prepare to renounce" (November, 2003)

Consequently, democracy in Chile is instituted as the result of an imposed conciliatory discourse, giving way to what has been known as the "democracy of agreements" (AFDD, 1999) predicated, first, on the negation of past human rights violations, and later, on the normative inscription of selective human rights demands onto the transitional discourse. The human rights problematic is kept out of the original transitional negotiations as a way to avoid upsetting the past military regime. However, as the democratic transition is established, demands for justice in cases of human rights emerge as challenges to this imposed conciliatory character of the transition. This challenges attempt to inscribe human rights violations on the landscape of the new transition creating the conditions for the constant contestation of the transitions character.

The data suggests that it is in this contestation that the identity of the post-Pinochet nation is negotiated.

### **Human rights and national narratives.**

The data suggests a strong connection between human rights debates and national narratives. More specifically, it appears that the nature of the post-Pinochet nation is constantly negotiated on the terrain of human rights. For instance, most public discourse in the form of speeches, public declarations and interviews make explicit connections between the capacity of the state to deal with human rights demands and the nature of the democratic nation. Concepts of collective qualities that identify the Chilean condition, notions of the duty that the nation has in regards to maintaining an image of a country that respects human rights are considerations constantly being articulated in public discourse. The followings are examples of these discursive deployments:

Many have believed that, in order to overcome the trauma from the past, it is enough to “turn the page” and disregard the memory of violence. A society can not be made more human denying the pain, the pain of its history; on the contrary, by doing that, we can only humiliate and devalue the nation....It is the duty of all Chileans, and mine as a Chief of state, to push for measures that contribute to construct, for new generations, a Nation united and in peace, with a moral consciousness based on truth, justice and reconciliation (President Lagos, November, 2003)

The introduction to the second edition of the Retting Report indicates that,

To re-edit this report responds to a need to preserve the memory of the nation regarding its painful past and to help in the process of reconstruction and reconciliation that are required to build a nation that belongs to all Chileans and where never again we will see the atrocities of the past.

In the speech given when the Mesa de Dialogo handed in its report in 2000, President Lagos stated that,

We are expectant about the truths we can learn about human rights violation, with the hope that later we can advance, once the truth is known, united towards a common destiny...This path towards truth improve the country and its institutions, returning to us the respect that we owe one another and that we owe to our nation... No one would have wanted such pain. But it is necessary not to forget because pain also make us brothers. I hope that the pain of what has happened transforms us into a nation of fraternity, eliminating for ever the possibility of confrontation among brothers

Another aspect of nationalist discourse and its connection to human rights issues that deserve attention in the thesis concerns the role of public honouring and commemoration of human rights violations. The manner in which the state decides to honour victims is also a manner in which the state ascertains its history and contributes to the creation of a national narrative. One of the state human rights programs is the Commission on Symbolic Reparation; a Commission instituted as part of the compensatory apparatus created after the Rettig Commission with the mandate of evaluating and qualifying projects concerning public

commemoration. As of today, the Commission has evaluated, approved and financed about 176 public honouring projects. Among these initiatives, we find monuments, commemorative plates, libraries, classrooms, laboratories, schools, change in street names etc. I am enclosing to this report a collection of some pictures taken and/or collected as part of the data gathering process that represent some of these public remembrance projects. The final thesis will include a chapter in which I will analyse these monuments as forms of public discourse in which specific victims are legitimized, particular human rights discourses are deployed and specific concepts of memory are utilized to constitute national images.

### **Exclusion and human rights.**

In spite of the apparent recognition that human rights demands receive within the democratic transition, not all histories of human rights violations make it into official discourse in the same way or at the same time. As well, not all victims of human rights violations are given equal access to human rights programs, nor can they equally participate in human rights debates. For example, the Rettig Commission on Truth, Justice and Reconciliation had as its mandate “to ascertain a generic truth” about disappearances during the military regime. By ‘generic truth’, the policy meant to restrict the task of the Commission to find out what happened to individuals who were detained and later disappeared, not to assign responsibility for the disappearance. Torture and political imprisonment were not considered until last November. Exile and forced displacement have never been considered human rights violations. Furthermore, even when policies are designed to consider specific cases, not all cases are equally accepted as human rights violations. The Rettig Commission, for instance, designed a complex process to assess disappearance cases based on the evaluation of personal testimonies, the presentation of evidence and the support of documentation. As a result, of 4,750 heard cases, only 3,195 were

eventually officially considered legitimate human rights violation cases. Interestingly, due to the constant pressure from the Arm Forces, these cases also include military personnel who was killed (not disappeared) in arm confrontations with opposing groups during the dictatorship. This seems to support the historical discourse that presents the military regime as involved in a legitimate war. The Commission on Torture and Political Imprisonment is in the process of developing a similar process to assess cases of torture; a process that will require that victims present considerable proof to qualify their cases. Medical records, detention records, pictures, social workers reports, are among the evidences that will be used to determine the legitimacy of torture cases. It is my argument that these measures for gathering proof are part of a process for the systematic exclusion of certain cases which may not have the possibility of meeting the requirements for legitimization. Considering that during the dictatorship, torture and imprisonment were arbitrary practices, based on the maintenance of secrecy and the hidden practice of torture, not many victims of torture are able to get proof to support their claims. Thus, through the creation of human rights policies, the state imposes systems that systematically include and exclude experiences of human rights violations.

In the same way that the state excludes human rights demands that do not meet evidence criteria, the data also suggests that those cases that are heard as legitimate human rights violations, need to shape their cases in a particular manner in order to be heard. Here is where human rights policy responds to specific discourses of victimhood and to particular stereotypes about who can be a victim. For instance, personal testimonies need to accommodate to please the state's gender and race stereotypes concerning the victim condition. Any action that can suggest that the victim was a political activist before and/or after his victimization makes the claim suspicious. Names of victimizers need to be kept out of testimonies, the role that some victims of

torture had as coerced informants of the Arm Forces, the transitional state's role in hiding the involvement of present government official in past human rights violations, the demand for the judgement of those responsible for human rights crimes are aspects that need to be kept out or down-played in testimonies in order to neatly fit within the conciliatory model of the transition. For instance, in analysing the published testimonies of two women who were victims of torture and who gave up names of their cammarades to the C.N.I (The Dictatorship's political police), I have found that these testimonies respond to extrict cannons that place the testimonies in positions of innocense; the innocense of not only the victims of torture who gives up his friends, but also the innocense of the victimazers who through the collaboration of the victims manage to make them accomplices in the repression of other individuals. As well, these testimonies are only given value to the extend that the victim of human rights violations represents herself solely as victim, incapable of any other forms of political agency. Gender and racial stereotypes emerge in this methods of legitimization of testimonies. For instance, women who speak of their condition as victims of human rights violations can only occupy a gender specific roles as mother, daughter or wife. They are not allowed to occupy roles as public actors, and when public appearance is possible is always delimited to their mother, daughter, wife condition. I have gathered several other examples of personal testimonies which I will analyse in relation to the criteria instituted by human rights policy in order to visualize the way in which policy works to shape testimonies in order to exclude upsetting histories and unwanted subjects. In the final thesis, I will dedicate one chapter to exploring the value of personal testimony in the constitution of national narratives and in the institution of exclusionary practices in state policy. I argue that these methods of legitimization of testimonies constitute forms of inclusion and exclusion that

stratify experiences and limit their influence in official national discourse concerning human rights.

The data gathered covers diverse experiences of selective inclusion in the constitution of national human rights discourse. For instance, I have gathered data concerning the experiences of aboriginal subjects within state human rights institutions, paying special attention to the fact that the policy does not recognize the specificity of aboriginal experiences. Public discourse generally speaks of “all Chileans” as one big national community, denying the diverse realities of aboriginal communities. A UN report on the human rights situation of aboriginal communities in Chile details the actual precarious situation of aboriginal communities which even today live with the constant presence of the Arm Forces as agents of state control within their communities resulting in states of constant fear and situations of systematic state repression (ONU, Programa Indigena, February, 2003). And yet, the Chilean state does not recognize this situation as a human rights violation and continues to insist that human rights issues are a preoccupation with the past, with the healing of past conflict and with the reconciliation of past victims. The thesis will expand on this analysis more profoundly including one chapter that will interrogate human rights discourse against testimonies and data gathered concerning the activities of aboriginal human rights groups.

The same process of selective inclusion and exclusion occurs in the process of creating public memorials. For example, the tomb of Victor Jara in Cementerio General in Santiago, is marked with a commemorative plate put there by the Commission on Symbolic Reparation. This plate describes Jara as an talented artist, lists some of his mayor creations, but makes no mention of the way he dies. It only states that he is detained and that “he dies September 16, 1973” (picture file entitled “memoriales 033 in photographic record). There is not mention of the fact



that he is tortured at the National Stadium, later killed after having all his fingers broken and burnt, and then his body is dumped by a railroad. Thus, the state recognizes the loss of Jara as part of his official discourse, but leaves out the upsetting history of the manner in which he dies. As well, there is no mention of Jara's role within the Allende government or of his thinking or actions as a political actor.

### **The role of marginalised groups.**

The example concerning Jara's commemorative plate gives me the opportunity to explore another aspect of the discursive constitution of the Chilean nation on the terrain of human rights policy. That is, the role of marginalized subjects, left out of official human rights discourse, in the constant contestation of this discourse. The official commemorative plate is located beside a tree that faces Jara's tomb. In the trunk of this tree as well as around and at the back of the official plate, individuals have written an alternative testimony of Jara's life and death. (Photos marked "memoriales 29, 30 and 32"). In the same way, in Jara's tomb as well as in a number of other tombs of martyrs of the dictatorship who are not considered legitimate victims due to their participation in "subversive movements", people have paid tribute to a memory who is left out of the conciliatory democratic transition. In the same way, different human rights activist groups, as well as political associations constantly make efforts to narrate alternative histories and testimonies of human rights and political struggles. Here I can mention the testimonies offered by interviewed activists that speak of aspects of their history that is left out of the official discourse. For instance, interviews with members of women's human rights associations constantly speak of their activism within political parties, and of their need to rescue aspects of the lives of detained and disappeared relatives that is not recognized in the official reports. They

also speak of the ways in which they have been treated by state officials, about what they would do differently and about their continuous involvement in social and political activism. Specifically important is the critical attitude of activists in relation to the state's inability to produce results in terms of finding out the whereabouts of the detained disappeared and in terms of bringing those responsible for the disappearances to justice. As one informant indicated when asked to comment on the state's compensatory measures, "they think that by paying us money and creating a monument to honour my husband, they are going to buy my compliance...I am going to die demanding to know where my husband is" or as the 2000 AFDD activity report states, "reconciliation cannot be based on the forgetting of those who have not been found...reconciliation can only be achieved when justice is fully served". Considering that the state has periodically stated that a specific human rights policy or program is finally going to settle the human rights debate, only to be forced to re-open the debate at a later date creating yet another program or policy, we can demonstrate the importance of the work of these activists in the constant re-constitution of official discourse and policies. In fact, I intend to demonstrate that national narratives and discourses are constantly under contestation through the challenges posed by marginalised subjects. These subjects push against the discursive boundaries of the nation, forcing it to constantly re-narrate itself.

