Historia oral de la violencia y la injusticia
Oral History of Violence and Injustice

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Interviewing about mistreatment in protectories and community homes in Austria.

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(Austria):

Resumen: “Espero que el público se informó “ y “Cuando yo era un niño, nadie me creyó ”, fue la declaración de un entrevistado se le preguntó acerca de sus experiencias en una casa pública de la comunidad. La vergüenza y el miedo no son los únicos motivos para el silencio. La represión y la negación podría haber sido una de las razones, la impotencia otro. Los recuerdos de muchos ex reclusos de esas instituciones se caracterizaron por los recuerdos alterados y silencio. Las bases de presentación en docenas de entrevistas con ex niños institucionalizados, que permanecieron en estas instituciones durante los años 1950, 1960 y 1970, principalmente en Viena (y Alta Austria). 2010 y 2011 varios internos antiguos reportaron casos masivas y sistemáticas de abuso de menores a los medios de comunicación, algunos fueron a la corte. Las acusaciones incluyen nalgadas repetidas, molestar sistemática, los abusos sexuales y hasta violaciones. Entrevistas con ex reclusos requieren una técnica específica. El proceso de preparación de la interrogación, la propia entrevista, la adquisición de información y probar la fiabilidad adicional se caracterizan por atributos, que se describirán en la presentación como se discutirá la cuestión de la difusión. El autor de la propuesta estuvo involucrado en varios proyectos que abordan la historia de la educación residencial y acogimiento familiar en Austria. Fue miembro de una comisión de investigación en Viena. Como consecuencia de llevar los casos al público en tanto decenas de millones de euros se han pagado por gouvemments regionales o asociaciones religiosas en busca de ayuda psicoterapéutica, como indemnizaciones o gesto pagos a los ex reclusos. Se instalaron las oficinas de quejas y la gestión adecuada de calidad para hacer frente a los malos tratos y para evitar incidentes similares en el futuro.

Abstract: During the last years several narrative interviews have documented mass mistreatment in protectories, community homes and foster homes in Austria. „I hope the public gets informed“ and „When I was a child nobody believed me“, was the statement of an interviewee asked about her experiences in a public community home. Shame and fear were not the only motives for silence. Repression and denial might have been one reason, powerlessness another one. The remembrances of many former inmates of such institutions were characterized by disrupted memories and silence. The presentation bases on dozens of interviews with former institutionalized children, who stayed in these institutions during the 1950s, 1960s and 1970s, primarily in Vienna (and Upper Austria). 2010 and 2011 several former inmates reported massive and systematic cases of child abuse to the media, some went to court. The allegations included repeated spanking, systematic pestering, sexual abuse and even rapes. Interviews with former inmates require a specific technique. The process of preparing the interrogation, the interview itself, the acquisition of additional information and testing the reliability are characterized by attributes, which will be described in the presentation as the question of publicising will be discussed. The author of the proposal was involved in several projects which dealt with the history of residential education and foster care in Austria. He was member of an investigative commission in Vienna. As a consequence of bringing the cases to the public meanwhile dozens of millions of Euros have been paid by regional governments or
religious associations for psychotherapeutical help, as compensation or gesture payments to former inmates. Complaint offices and proper quality management were installed to cope with the mistreatments and to avoid similar incidents in future.
During the last years several interview narratives have documented mass mistreatment in protectories, community homes and foster homes in Austria. “I hope the public gets informed” and “When I was a child nobody believed me”, was the statement of an interviewee asked about her experiences in a public Viennese community home. This interview was one of a series conducted with a team concerning events that occurred between 1948 and 1977 in Wilhelminenberg, an institution run by the City of Vienna in a former castle. Most of the young people sent to live there were girls. Insiders familiar with Vienna’s foster care facilities had long been aware of abuses on a massive scale there, and charges of this nature ultimately led to this home’s closure. For decades, the victims themselves as well as experts in the field had been trying to get municipal agencies and politicians to take action, but the whistleblowers went mostly unheeded. The authorities took note of their revelations and protests, but there was no groundswell of support to do something on behalf of the victims.

SETTING UP A COMMISSION OF INQUIRY
When, in October 2011, the Austrian daily newspaper Kurier ran a story about two sisters who told journalists that they had been repeatedly raped over an extended period of time in the former foster care facility in Schloss Wilhelminenberg in the 1970s, the Austrian public reacted with shock. Then, it began to emerge that similar things went on in the '50s as well; there was even talk that there had been a death. Since these accounts also maintained that this took place with the knowledge of the home’s staff, the municipal government as operator of the facility promptly took action. The City of Vienna set up the Wilhelminenberg Commission of Inquiry (Helige-Kommission), which was active from December 2011 to July 2013. The author of this paper was the deputy chairman of this commission, which consisted of four members (two legal scholars, a psychiatrist and a historian); the investigative staff included a coordinator and several researchers. The commission was assigned the task of reconstructing and assessing what went on in the Schloss Wilhelminenberg facility; it was also charged with investigating whether crimes were committed and, if so, identifying the perpetrators. The author is also involved in investigating the history of community homes in Upper Austria, but this paper concentrates on the foster home Wilhelminenberg in Vienna.

Immediately after Wilhelminenberg’s closure in 1977, trucks arrived at the facility and took away the files. Contrary to regulations, they were quickly destroyed. Although other files were still in existence and were made available to the commission, the most important material had been disposed of. This and the fact that, in general, testimony about violent assaults and sexual abuse had rarely been documented in writing meant that the interviews with contemporary eyewitness assumed tremendous importance for the investigative work.

The discussion of the method “oral history” used in this field of research has been going on for a long time now; thus, these methods’ shortcomings with respect to recording and portraying facts and the factuality of statements are widely known. Here, I would like to briefly address this. Basically, it can be maintained that the events of the past cannot be nailed down with absolute precision. Any attempt to formally attire them in words is ultimately condemned to failure. On this subject, Albert Lichtblau and Eleonore Lappin have concluded: “The past is something fluid; it can’t be put into a fixed, solid state once and for all, but is always present nevertheless. An attempt [to do so] is, accordingly, always a product of the present that, in turn, very quickly recedes into the past since the present is dissolving by the second. Products of remembrance thus reflect the moment at which they’re being related....Perhaps the essential ‘truth’ lies

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2 Kurier, October 15, 2011.
3 Named after the prominent judge Barbara Helige, the head of the commission. Helige was for several years the president of the Austrian Association of Judges.
4 The essential findings of this paper were taken from the final report Endbericht Wilhelminenberg, especially from the sub-chapter Michael John, Parallelgeschichten und Erinnerungen, 219-258.
5 Legislature of the Province of Vienna, resolution dated December 15, 2011.
in the act of remembering itself." 6 Besides taking these basic principles into account, consideration must be given to the instability of the memories—on one hand, to the deficiencies and frailties of the faculties of memory. On the other hand, to forces that actively deform that which is recalled. The emotional heat of the moment, the interaction between interviewer and interviewee, motivations and intentions determine the remembrance of things past. They also specify the attributed values that colour what is remembered. 7

Thus, in contemporary oral history research characterized by a postmodern approach, scholars understand memory as primarily a “symbolic act” that is indeed able to portray experiences in an acceptable way but nevertheless quickly runs up against its limits when it comes to reliability and questions of a factual nature. Accordingly, terms like “culture of remembrance” and “landscape of memory” used in conjunction with oral history can be regarded as fashionable terminology that also gets across the imprecision of this methodology. But when circumstances require, as they do in this case, an extremely precise investigation of events that occurred in the recent past, would it not be advisable for the contemporary historian—a practitioner of oral history—to decline involvement due to this inherent inability to investigate what exactly transpired? When the nature of an assignment is to ascertain who did a particular deed or whether it occurred at a specific point in time, would it be better for the historian to beg off at the very outset and leave these matters to lawyers and police detectives, psychologists and psychiatrists?

A team consisting of specialists in several scholarly disciplines was assigned the task of reconstructing and evaluating what had gone on at the Wilhelminenberg facility, whereby historians played a key role. Detailed and comprehensive interviews and other research yielded a dense web of evidence consisting of eyewitness testimony and other source material. Every trace was followed up, and every statement assumed its place in the overall historical perspective of what had transpired. Objectively incorporating all perspectives makes it possible to recognize perpetrator and victim structures, the complex nature of which goes far beyond the simplistic depictions in the mass media. There were several perpetrators and a large number of very diverse victims. However, the perpetrators could, at other times, also have been victims themselves, or victims could also have been accessories in violent acts committed on those even weaker than themselves.

**ON THE SIGNIFICANCE OF THE INTERVIEWS AND OF ORAL HISTORY**

In order to produce a comprehensible picture, the commission made use of various methods, whereby interviews with the youngsters who lived in the facility, members of the staff, and other eyewitnesses were particularly important. They were structured and conducted in a comprehensive manner. It was clear to the commission how difficult it was for many of these former foster children to go through these interviews, but these conversations constituted the core of the investigation; without them, all efforts would have been for naught. Great respect is due to those who, only after long preparation in many instances, managed to talk about experiences they had repressed for decades. Often, what motivated them to overcome their aversion was the wish to prevent other children from suffering the same fate. Most of the interviews were conducted by two interviewers; for control purposes, numerous individuals were interviewed at least twice. Prior to the interview, the interviewers reviewed all available files having to do with the interviewee. Each conversation was prepared professionally. In a number of instances, the interviewee was accompanied by an advisor, usually an attorney. Whenever possible, the individuals providing us with information were requested to submit a written deposition (notes, personal accounts, etc.). Interviewers continually posed follow-up questions, endeavored to obtain very concrete information, and critically questioned the interviewees' statements. Since the commission's investigations were official proceedings, this sustained, critical style of questioning was essentially accepted by the interviewees.

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6 LAPPIN, ELEONORE AND ALBERT LICHTBLAU, ‘EINLEITUNG’ [INTRODUCTION], IN DIE WAHRHEIT DER ERINNERUNG. JÜDISCHE LEBENSGESCHICHTEN [TRUTH AND REMEMBRANCE. JEWISH LIFE STORIES], ED. ELEONORE LAPPIN, AND ALBERT LICHTBLAU (INNSBRUCK, 2009), 7.

7 SEE ASSMANN, ALEIDA, ERINNERUNGSRÄUME. FORMEN UND WANDLUNGEN DES KULTURELLEN GEDÄCHTNISSES [SPACES OF MEMORY. FORMS AND TRANSFORMATIONS OF CULTURAL MEMORY] (MÜNCHEN, 1999), 205.
The tape-recorded conversations were transcribed. At the commission meetings, the testimony of the former foster children was then subjected to a structured process of collation and processing, and this material was, in turn, used to supplement the catalog of questions posed to the members of the facility's staff and eyewitnesses. Information from agency files, private written accounts, articles published in the media between 1948 and the 1980s, scholarly literature and other source material shedding light on this subject—which were constantly being interrelated to each other—were brought together to yield a picture of what had happened. The commission also invited journalists, psychiatrists, relatives of former foster children, staff members at other facilities and government agency officials responsible for youth welfare and foster facility personnel to offer their views on the events in question. In order to obtain an up-close-and-personal picture in preparation for evaluating the accusations and, above all, formulating the findings and conclusions of the research work performed, the members of the commission essentially conducted the interviews with the key eyewitnesses with respect to acts of abuse and violence.

Despite the great care exercised in going about this, the members of the commission were ultimately forced to acknowledge the limits of the investigative methods they had at their disposal: the facility's files and disciplinary files had been destroyed and were irrecoverable, and, in many cases, the memories of the former foster children were imprecise, distorted by the passage of time, and thus characterized by errors and omissions. Part of the commission’s work was to discuss psychological phenomena such as false memory, and to consider that many former foster children were inculcated with the conviction that no one would believe them if they disclosed particular events. The upshot of this so-called pre-formation was that several former foster children did not even trust themselves and their own memories over the course of many years, or proceeded under the assumption that nobody would give any credence to their accounts.

A former foster child in the late 1960s recalled: “After the incident on the first Floor [sexual assault by a male adult], I didn’t talk about it. I didn’t dare. And I didn’t know exactly what it meant. Later, when I talked to someone about what had happened, they didn’t believe me. They thought I had dreamt it up, or that I had a dirty imagination.” 

Eyewitness Anna Hammer stated: “There was a lot of violence there, many beatings. Then, one time at an observation station, something was done to me that I didn’t understand. My mother heard about it from me and even filed a complaint. But she was powerless; she couldn’t pursue it. So it didn’t make any sense to talk about it to the one matron I could trust. She wouldn’t have believed me.”

These two statements merely suggest the veil of secrecy that had enwrapped the events that occurred in Wilhelminenberg. Numerous reasons can be cited to explain the subsequent wall of silence: the regime of repression maintained in this facility, a system of keeping quiet and keeping secrets; restrictions on communication (visiting hours, limited times for conversation, strictly regulated access by visitors); undermining trust and solidarity among the foster children via a system of distrust and abuse of trust; a system of capos and spies. Of great importance were threatened punishments and punishing children for failing to comply with the obligation to keep silent; denigrating and discrediting children as untrustworthy witnesses; the staff members’ mechanisms of control and of ignoring wrongdoing; and the control exerted over communication to the children’s family, friends, teachers and others.

As for the facility’s staff and the psychologists and physicians who were either municipal employees or worked on a consulting basis, it can be said that if they were not themselves directly involved in the system of violence and repression, then they surely can be accused of a lack of sensitivity and a failure to implement quality control. In fact, the foster children and the facility’s personnel lived in totally different worlds, the result of which was that a deplorable state of affairs could arise and be hushed up for decades. Nevertheless, numerous interviews and the material in the remaining files yielded a great deal of evidence that, even though it contained contradictions, still made it clear that the foster children lived for decades in an isolated, closed system that was characterized by structural and concrete, physical and mental violence. Since several of the interviewees were themselves a part of this system, intentional disinformation had to be considered in addition to psychological factors, memory distortions due to the

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8 See Endbericht Wilhelminenberg, 4-19.
9 See Endbericht Wilhelminenberg, 4-19.
10 See Endbericht Wilhelminenberg, 4-19.
passage of time and the other reasons that made it difficult to reconstruct the events the commission was set up to evaluate.

AT THE SAME TIME IN THE SAME PLACE

The following collage consists of a dual account of divergent recollections that also document the highly dissimilar worlds in which their protagonists existed. The events depicted here occurred in the early 1950s. Heinz Nowotny was born in 1930. He joined the Wilhelminenberg staff on May 31, 1950 and continued to work there until 1957. Elisabeth Schwarzbauer was born in 1942. She spent two terms, each lasting about 3½ months, in Wilhelminenberg in 1950-51 and 1955. She was a resident of the Dornbach therapy facility during most of the time between those two stays. Frau Schwarzbauer and the horrible incidents that dominate her memories have been covered by the media since 2010. Herr Nowotny was a municipal employee for more than 40 years, 23 of them working on the staff of a foster care facility. The point of this parallel mode of presentation is to clearly bring out the main points that illustrate the similarities and differences of what these two individuals recall.

“A terrible place …”

My father (...) we didn’t know anything about him. My mother died from an illegal medical procedure [back-alley abortion]. I had only my grandmother, who was already quite old then; she was born in 1895. As long as I was a baby, I was left in her care. But when I came of school age, a social welfare worker from the City of Vienna suddenly turned up (...). We took a ride to Wilhelminenberg. The first thing I remember was a woman who went around barking complaints and orders.

In a sort of retrospective diary, Frau Schwarzbauer recorded the following: ‘WHAT’S THAT YOU’VE GOT IN TOW WITH YOU?’ MY ESCORT WAS ASKED [...] ‘THAT WOULDN’T BE A JEW-GIRL, WHO SOMEHOW FELL THROUGH THE CRACKS, WOULD IT?’ [...] SUDDENLY; DOZENS OF EYES WERE LOOKING MY WAY. LOTS OF LITTLE GIRLS — BLONDES, RED-HEADS, BRUNETTES — WERE LOOKING AT ME. ‘DAMN, IS SHE UGLY! SHE’S GOT EYES LIKE A FROG, AND BLACK HAIR LIKE A GYPSY! MY GOD, SHE’S HIDEOUS, AND PROBABLY NOT TOO BRIGHT EITHER! WHAT’S FOR SURE IS THAT SHE STINKS!’

Food was served but, even though I was hungry, I couldn’t eat a bite. In two parallel columns, we went to the WC, to the washroom, and to the dormitory. I was scared because I had no idea what was in store for me. The next morning, my bed was wet, and I learned that the matrons could really pack a wallop (...). They tore off my nightshirt and whipped me with it; they slapped “...Done in a civilized manner.”

After I graduated high school, I applied for a job at the Bureau of Weights and Measures but it didn’t pan out. In July 1950 I was hired at Spiegelgrund—the girls were already at Wilhelminenberg, the boys were still at Spiegelgrund. After a couple of weeks, I helped with the move. They turned over the keys to me and put me in charge of a group of boys I didn’t know. And I had no idea about the job either. The kids were about 10 years old. The first time I had a shift on Sunday together with an unfriendly co-worker, but this was his first Sunday shift too, and he didn’t know any more than I did. In 1950, the girls were on the first floor and the boys were on the second floor. The dormitories were never locked; you could go to the toilet at any time.

There are reports that children were called disparaging names like Jew-boy. I never heard that. Gypsy? I had a powerfully-built, dark-skinned boy in my group, he was a Gypsy. But there was never any talk about that [...]. The boys were fighting all the time, but when I raised my voice they broke it up [...]. There was a leader of the pack, an alpha male with a strong personality [...]. Some of these domineering boys were real tough cookies, and some of the staff members fostered this kind of situation.

The nightshift: You could even go to bed beginning at 10 PM if things were quiet. There was one staff member who knew his group very well, and they were low-key, orderly. On Saturday night, one staff member was responsible for two groups; during vacations too. Then at breakfast, there were 100 kids. There were 25 kids in a group. In the morning,

11 File of Elisabeth Schwarzbauer, a minor, basic information, Vienna Municipal Department of Youth Services; (name changed).
12 Archive MA 2, Vienna, personnel file of Heinz Nowotny, overview. (Name changed)
13 Handwritten autobiography of Elisabeth Schwarzbauer, undated, pages not numbered
and kicked me. Then they grabbed me, and I had to stand naked, with nothing but a damp hand towel, out in the chilly hallway (…). The school was in the same building, so we were completely isolated. The dayrooms were equipped to serve as classrooms. I was put into a class, and all the other girls laughed and made fun of me because someone told them that I had wet my bed. After school, there was lunch and I was able to eat a little (…). And we weren’t allowed to talk while we were eating. Conversation was strictly forbidden; there had to be absolute silence. Strict obedience was the rule. There were about 40 kids in this group, give or take a few. Most of them cried because they were unhappy and scared. After all, we were pretty young (…). It was terrible (…). That was a really bad time I spent at Wilhelminenberg. And then there were the nights; that was the worst part (…).

Both individuals were in the same facility at the same time, but they lived or worked on different floors—one in a girls’ group; the other with groups of boys. Heinz Nowotny portrayed everyday life in the facility from his own point of view. At the end of his reminiscences, he added that he was utterly dumbfounded in 2011 when he read in the papers about the very serious accusations being leveled at some of the facility’s personnel, but then, after a long process of reflection and intensively rehashing his memories, he said that he had come to the conclusion that, despite some inconsistencies in the testimony, there must be something to these charges and there probably had been instances of sexual abuse in the girls’ groups. “I used to be proud of the job I did in the foster care facility. I felt that I had accomplished something positive. It was a terrible blow reading these things [the accusations]. A former co-worker of mine also had the feeling that he had helped youngsters, that he had made a difference in their lives. Somehow, you were … proud would be a bit overstated … but something like that. You thought you had done something beneficial. Now, you don’t even dare admit you worked in a home with foster children. Today, if somebody asks, I say I was a civil servant.”

THE EXAMPLE OF A SEARCH FOR EVIDENCE

The intense interest focused on these matters by the media during the course of the commission’s work put an end to The Big Silence. Many people opened up and talked about what had happened. One of them was Erika Drabits. She was born in 1956, and grew up in socially disadvantaged circumstances. At the age of 12 in the wake of severe domestic maltreatment, she went to the police on her own. According to her file, she spent time in 12 different homes from 1968 to 1972. Erika was totally rejected by her stepmother and neglected by her father (who turned out not to have been her biological parent). She is one of the few witnesses who had not gotten in touch with an institution, filed a claim for financial restitution, or contacted an attorney. She was called to the attention of the interviewer by a former chief psychologist who, as chance would have it many years later, provided psychotherapeutic treatment to this former foster child. Less than 20% of the interviews conducted were with former members of the facility’s staff, but those who were subsequently ready to talk about past events provided very valuable information despite the fact that some of them had themselves been part of the system.

14 The interviewee goes on to give detailed accounts of sexual abuse. They are contained in the commission’s final report, 224-226.
15 Interview Elisabeth Schwarzbauer; interview Heinz Nowotny, see Endbericht Wilhelminenberg, 223-227.
16 Interview with Heinz Nowotny (2nd interview), April 28, 2013.
17 Archive of the Department of Youth Services, MA 11 (City of Vienna), file of the minor Erika Drabits, basic personal information KÜSt 1968-1972, psychological assessments 1968-1972 [name changed].
The source of information about this former foster child was Walter Reithofer, a psychologist, psychotherapist and expert consultant who worked for the City of Vienna’s Department of Youth Services from 1957 to 1974. He went on to serve as director of the Austrian Academy of Social Work. As a member of the staff of the agency’s psychological service, he played a key role in the assessment of these foster children, and he could also exert influence on these facilities. Reithofer had been neither a hardliner nor a rebel; he made an effort to act, as he put it, “diplomatically.” He authored many psychological assessments that reflect the zeitgeist of the time when they were written, but come across as questionable from a contemporary perspective. Later, Reithofer developed into what could be termed a reformer. It can be said with certainty that the man was burdened by a very heavy caseload; he was responsible for many foster care facilities, and had no other full-time colleagues from 1970 on.\(^{18}\) Both interviews were conducted—separately—in the presence of witnesses. The interviews lasted a total of six hours.

He wouldn’t have believed me [...]\(^9\)

Life at home was hell. We were beaten, we were punished, we were scolded. It was really what you would call hell-on-earth. [...] At home there was psycho-terror. My stepmother hated me, and I was treated miserably. At some point, I couldn’t take it anymore, and I went to the Welfare Office on my own. I said: “I don’t want this anymore. I can’t take it anymore. Please do something.”

Erika Drabits subsequently lived in several facilities. “It was horrible.” She ran away, came back, and “[...] then they tried to tranquilize us with medication, ‘cause we were so bad. I learned that, when I did something, I had to try to get sent to the infirmary or to the hospital. There they treated me better [...].... But at some point they discharged me, and I ended up in Wilhelminenberg, in 1969 [...]. We were brought to the director, Frau Hofer. Man, you should have seen her. She looked like a drill sergeant, real butch, as they say. And she was bossy, totally authoritarian. I was sacred. We got our orders from her. Then we were assigned to an individual group, and to the staff member who was our immediate superior. Order! Obedience! That was it. I was considered a problem case [...].

The staff members were very nasty, really vicious. They had ways of punishing you [...]. Yeah, when they ran after me with the medication, ‘cause they wanted to give me tranquilizers and I didn’t want to take them—instead of taking the pills, I hid them [...]. I was different, that’s for sure [...]. I always had all these ideas, for example, and that was also the reason why I got to meet Dr. Reithofer, because, in my confusion and utter desperation, I just simply didn’t know what to do.

Why didn’t you tell me this?\(^{10}\)

From 1957 until the ’60s, I was one of four psychologists working at the rehabilitation therapy facility that was located at Wilhelminenberg at the time. Later, I was again associated with Wilhelminenberg [...]. I was responsible for 29 facilities and almost 3,000 children [...]. I had the impression that the staff members in these facilities were most interested in making sure that the formal things were in order, cleanliness above all. You have to judge the situation in these foster care facilities from the perspective of those times; when you consider it from today’s point of view, it was a catastrophe [...].

The facilities had their own rules, and what happened in them was adaptation to the norms of the facility and not to life outside. The children were all clothed the same; they had to walk in double file; they had to be silent while eating—this is how it was done in these systems, just like in the army. What was bad about it was that these places were large institutions with up to 200 children. There were strict regulations, marching in two parallel columns, collective obedience. It was very military, as were the punishments they meted out. Subliminally, this was certainly an outgrowth of Nazi thinking. I always had an uneasy feeling when I went there [...]. Wilhelminenberg was for the most part a closed facility, the children were not permitted to have any contact with their parents for six weeks. [...]. My assignment at Wilhelminenberg was to maintain contact with the personnel to assist them and to work with the children. I was not

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\(^{18}\) Kurier, March 25, 1970.

\(^{19}\) See the Interview with Erika Drabits in Endbericht Wilhelminenberg, 245-249.

\(^{20}\) Interview with Walter Reithofer, in Endbericht Wilhelminenberg, 245-249.
Then I went and drank all the ink out of an inkwell, and that worked to get me into the infirmary (...). And over the course of my stay, because I drank up this inkwell, I got to meet Dr. Reithofer. Of course, I didn’t trust Reithofer—he takes off, a month later he’s back again, and who knows what he tells the staff or what he puts in his reports [...] who knows, maybe he even tells director Hofer [...]. He showed up once a month, and at this point I didn’t trust anybody. I saw that no one was going to help me. No matter what I did, in the end I was on my own. If I would tell someone what was going on, they would pass it on, and in the end I’d be the one who’d suffer the consequences [...].

The abuse [...] the way they did it was, they came at night with flashlights and got girls out of the dormitory. And there was panic, you were afraid (...). When the door opened in the middle of the night and they came with the flashlights, that was madness. One of the matrons or the director [...] came in and woke up a girl—one time this one, the next time another one. We had to go along. They were adult males, strangers we didn’t know. You couldn’t see them so well because the lighting wasn’t strong enough, just a kind of diffused indirect light. I don’t know if you can even imagine that. When you just have to lie there, helplessly, and there’s somebody groping you (...). Then the matrons left, and you were just laying there. It was terrible. I felt so ashame, I could not talk, I did not know what to do (...) I was ashamed and it made me sick. I felt so defiled, so filthy. And I really suffered from this for years (...). There were some girls there who got picked out over and over again—they appealed to them, or there was something about them that they liked, I have no idea. It was two of the matrons and sometimes the director too [...]. They took me maybe 10 or 12 times. Then they had their way with you from top to bottom. You got a rag so you could wipe yourself off, and then you had to go back to bed (...). And then I sat on the windowsill and I said: If one more thing happens! My feet were hanging over the ledge. If even one person takes a step in my direction, I’m gonna jump (...). No one dared to say a word (...). There was absolute silence.

Dr. Reithofer (just recently) asked ‘Why didn’t you tell me that?’ ‘Because you wouldn’t have believed me,’ I said. They drilled that into us. Nobody is going to believe you anyway, so what are you gonna do? No one will believe you, you’re a foster child, welcome. The administration was rather distanced, and now I know why (...). Once I was summoned to Wilhelminenberg in an emergency—a girl there had drunk the contents of an inkwell [...]. I had already been acquainted with this girl. Before she was in Wilhelminenberg, she had been in a private facility run by a monastery. I’m still in contact with her (...). This girl consented to talk about the time she spent in Wilhelminenberg, but at the same time she said that she had never told about everything that had gone on at Wilhelminenberg because she had been afraid that I wouldn’t believe her even though she had built up such a rapport with me. She has [now] told me a few things, and I do [now] believe what she says. Prior to that, she attempted to repress her memories. There were sexual assaults. Men came to the facility [...]. One thing I’ve learned in my profession is to not be shocked by anything. Anything’s possible. She even attempted suicide a few times (...). Working at Wilhelminenberg, were there incidents that made you suspicious? No, and I also told this former foster child, a year ago when these stories started to appear in the media, I said ‘You were in Wilhelminenberg too’ and she answered: ‘I was one of the victims myself’ and in our second conversation she said that she would now like to talk about it [...]. This is a case in which I found out some very concrete information. In other cases, it was simply a matter of so-called difficult children, but then again, some of them were also made to be difficult (...). Needless to say, the question of sexuality was discussed during the conversations with the girls. In some facilities, I was even requested to tell these girls about the facts of life because the staff members didn’t want to do it themselves (...).

If I found out about something [ire-gularrities], then I certainly did [do something about it], but the children tended to talk about difficulties they were having with one another rather than about those with the staff members, out of fear (...). My experience was that many girls discussed very personal matters. In Pötzleinsdorf, girls came to me with their problems instead of going to the facility’s staff members or administrators. But that’s not how it was at Wilhelminenberg (...). We talked among ourselves about the problems when we were aggravated about a staff member at a facility. That was a team made up of four psychologists [...]. Nothing made me suspicious.
that’s all you are, not more [...]. I wasn’t the only one. I was almost 12 years old at the time. Right after that was the thing with the inkwell, and then I met Dr. Reithofer. He couldn’t have done anything about the fact that nobody said anything to him. It wasn’t his fault; that’s just how crazy it was there. It’s not our fault that we didn’t say anything. It’s because we were afraid. But it’s not his fault either that he didn’t see anything. All the matrons had to do was tell him that, for this and this reason, I drank the ink from the inkwell. I didn’t say anything, so what was he supposed to assume? How was he supposed to know?

never liked going to Wilhelminenberg. I was glad to get out of there quickly. Maybe that’s why I didn’t notice anything.

There were numerous instances in which I withdrew children from a facility when I had the feeling they would do better elsewhere. Transfers took place when parents filed angry complaints or when children got into a very difficult situation [...]. In Erika’s case, I tried to terminate her long-term stay in the facility by getting her into a room-and-board situation. She even passed the high school equivalency exam, and she wasn’t involved in any incidents for the rest of her life [...] I felt sorry for her that she ended up in Wilhelminenberg [...] The things she’s relating now [...] Yes, I believe her, yes.
In conjunction with the Commission of Inquiry’s work, 217 interviews with 140 former foster children, 28 staff members and other eyewitnesses were conducted. A total of about 480 hours of material was recorded, digitized and transcribed. The commission’s staff contacted more than 300 persons. Among the former foster children, one could observe a remarkable dynamic concerning their remembrance. During the years 2011 to 2013 the willingness to talk about the events was enormously risen as in several cases this affected also the self-consciousness of the former children. In addition to the testimony by eyewitnesses, the examination of a great many municipal agency files, medical files and expert assessments as well as municipal personnel files provided key insights. In June 2013, the Commission of Inquiry finally issued a 344-page report summarizing its findings about what had transpired in the Wilhelminenberg facility. The report documents that these foster children were victims of “massive mental and physical cruelty” and that the public administrators responsible for this facility were aware of it. Sexual assaults including abuse and rape occurred on a massive scale. An abridged version of which together with a list of the names of almost 30 individuals against whom charges could potentially be filed was turned over to the District Attorney. This agency has at present concluded its investigations in a total of 16 cases. Charges are being filed.

Since several years a number of journalists, diverse commissions and scholars are working on the topic of mistreatment and sexual abuse in children’s homes and boarding homes: in Vienna, in Upper Austria, Salzburg, Tyrol and in other regions. As a consequence of bringing the cases to the public meanwhile dozens of millions of Euros have been paid by regional governments or religious associations for psychotherapeutic help, as compensation or gesture payments to former inmates. Complaint offices and proper quality management were installed to cope with the mistreatments and to avoid similar incidents in future. The basic facts about residential education in Austria were known quite a long time to document them carefully and make them public was a decisive factor for improvement.

21 See Endbericht, 210-211.
22 Ibid., 211-212.
23 See Kurier, April 14, 2014.
24 See for example Reinhard Sieder, and Andrea Smioski, Der Kindheit beraubt. Gewalt in den Erziehungsheimen der Stadt Wien [Deprived of a Childhood. Violence in the Educational Facilities of the City of Vienna], Innsbruck-Vienna, 2012); The first scientific publication dealing with the topic was probably Michael John, and Wolfgang Reder, Wegscheid: Von der Korrektionsbaracke zur sozialpädagogischen Institution [Wegscheid. From Corrective Barrack to a Socio-Educational Institution], Linz 2006). The research was made ‘too early’, the storm of indignation unleashed five years later.
The Potential of the Oral History Experience for Questioning Inequalities and Injustices.

Gul Özatesler
(Turkey)

Abstract: In my presentation, I will demonstrate on the potential of oral history in questioning power relations and injustice. I will show the significance of the very experience of oral narratives in standing against the local and official histories. Making what and who is silenced heard is one of the significances of this potential. I will also examine the effects of this potential for a more democratic and equal society by giving examples from other research and my own research experience. Some narrators keep their silence. Some clearly remain within the frame of the dominant local narrative, and just use their personal experiences as supporting details for the dominant story. Others shift to their personal knowledge and experiences to mark the beginning of the real story. Some of these narratives represent the intimate personal space. This is the most secret part of the story that they do not want to reveal easily. This type of narratives includes life stories, people’s feelings about individual cases and relations. However, through one’s personal experiences and relations with a particular person, another story is produced that opens a space for contemplation and criticism. I believe that this experience of digging stories within one self has the potential for questioning power relations, inequalities and injustices in the society in contrast to relying on dominant narratives.
Oral history opens a space for a more democratic and equal society. It is not just a method but an approach in investigating social and historical issues. While it can be used just to support official historiographies and supplement written records, in some cases it can also be the only way to produce knowledge. So, it provides knowledge that could not be attained in other ways.

Its main significance is connected to this feature of oral history. It is not only attaining additional knowledge about some cases but it also gives other directions to seek for knowledge. It changes whole epistemological idea on which knowledge and whose knowledge is valuable to obtain. Considering historiography, in this sense, whose histories are valuable and whose voices are to be heard become parts of a political question. Official and dominant historiographies that are written and circulated in society can be criticized, contested and rewritten by this new knowledge that is provided by oral history research. Power relations depending on various categories such as class, ethnicity, gender, age and disability can become more visible and voices of disadvantaged and marginalized people can be heard. Doing oral history, thus, has a potential to declare a political act depending on your research questions and perspectives.

Below, I will focus on three main contributions of oral history to a more democratic and equal society. Firstly, I will discuss oral history’s potential to question official and dominant histories. Secondly, I will elaborate on its power in hearing voices of silenced people and cases. Finally, I will conclude with discussing the very act of oral history in questioning injustices and inequalities in societies and its potential for more democratic and equal societies.

I. QUESTIONING OFFICIAL/DOMINANT HISTORIOGRAPHY

History is an important arena to transmit, legitimize and even naturalize certain ideas in societies. As Hobsbawm (1983) emphasized with his term “invented tradition,” past can be reproduced to empower people’s groupings and nationalistic feelings. It can also be reevaluated according to present situations and contexts. Oral history in the convergence of several disciplines such as sociology, history, politics, anthropology and psychology is significant to see the relationship between past and present along with power relations in societies.

Besides, telling a story and even preserving memory can be seen dangerous by totalitarian regimes. Connerton (1992) indicates that all totalitarian regimes attempt to erase the memories of the public on certain issues in order to dominate them ideologically. Similarly, Sherbakova (1992) draws attention to the perception of memory as a serious threat for the Soviet regime. Remembering, forgetting and representing are important to demonstrate legitimate stories in societies. Dominated people are thus usually left out of official ways of remembering and appreciated stories.

In his discussion on the necessity of oral history, Haley (1996) tells how black people’s history was not included in American history and how he had difficulty to gather knowledge on his own origins. Several scholars (i.e. Goldberger et al. 1987, Anderson and Jack 1991, Sangster 1994), on the other hand, dwell on male dominated constructions of knowledge, memory and history. Additionally, history from the eyes of disabled people can find a place by the help of oral history research (Hirsch 1995). Walter Benjamin (1969)
emphasizes the necessity of such understanding and intervening this relationship between past and present for the advantage of dominated classes. Oral history gives this chance to collect and represent stories that would not be included by dominant historiographies.

Oral history has the potential for alternative representations and realities as well as the realities of “the others” of dominant groups. It breaks the static knowledge and impersonalized structure of traditional history. It appreciates the experiences, comments and identities of individual agents that are not represented in official and mainstream histories. Thus, it also creates a space for disadvantaged groups’ stories and voices.

My own oral history research on forced dislocation of Gypsy people from a northwestern Turkish town, Bayramiç in 1970, displays that in the eyes of disadvantaged and marginalized groups, the concept of history is perceived in the realm of written books on “big stories.” It is not something that would include their own experiences and what happened to them although the case was significant in collective remembering of the town’s social history. There are several reasons for their ideas on this scope of history.

First of all, towns are geographical and administrative areas that are not historically recorded in the Turkish historiography. There is very limited research on towns. Scholars who work on rural areas focus on villages and the ones who are interested in urban studies restrict their works to cities. Towns, however, have not attracted the attentions of many scholars but very few (Kıray 1964, Benedict et al. 1974, Benedict 1974, Magnarella 1972, Mansur 1972). Similarly, it is not very possible to find elaborate research on towns in administrative units. Especially for the town of Bayramiç that is not industrialized and not significant for the economy of the country, the available information is very scarce. So, as the town is not paid attention in the mainstream documentation and historiography, oral history stands as an ultimate method and approach to know about the town’s social history.

When I asked townspeople about the town’s history though, they would first follow the logic of official historiographies and direct me to the old ruins of the town or the old house of the powerful families. Besides, Gypsy people as a community are not the ones who are included in the Turkish official historiography. Some Gypsy people even joked about the word history in order to show its incompatibility to their own lives. They played with “the similarity between the sounds of of the word tarih, meaning history in Turkish, and talip, meaning suitor. During the Hidrellez celebration, they had a good time joking around with me “Are you looking for tarih? Let us find you a talip.”

II. HEARING THE SILENCED PEOPLE AND STORIES

By using oral history, unraveling the unheard stories and the perspectives from dominated people and places can be possible. Hearing these voices and being aware with their experiences also have the potential to unravel power inequalities that they face. Testimonies and oral narratives are usually only sources especially for documenting violent cases, oppression and discrimination. That is why oral history is very useful in such documentations.

In the case of forced dislocation of Gypsies, silence was a very important element of the research. First of all, it is a violent case against Gypsies who are marginalized and excluded widely in Turkey as well as in many other European countries. Even academic studies on Gypsies are very new in Turkey. Their identities...
and stories are not listened in the country. Besides, many other ethnic identities except the dominant one—Sunni-Muslim Turkishness—can be problematic to express but can find their places in oral history research (Neyzi 2004).  

Secondly, as mentioned before, the space and the people regarding the case were themselves silenced in the general historiography. So, not only the Gypsies but also all people in the town and the town itself are not common research subjects. This can easily be the case for many oral history research that are dealing with marginalized people, spaces and issues. Besides, silence was also very related to power relations regarding the violent events in the town. Perpetrators of the case whose leaders were perceived dangerous and uncontrolled are still feared and this fear makes some people avoid talking about the case. Therefore, the tensions, the fear and the trauma are significant to create silence among ordinary people, Gypsies and protectors of the Gypsies. Silence becomes essential while researching on violence as shown in other research as well (Behrenbeck 2003, Declich 2001).  

What basically happened in the town in 1970 was the mobilization of certain groups of people to attack the Gypsies; stoning their houses, beating some of them and eventually causing them to leave the town. Powerful figures in the transportation sector took the lead, including some low and middle class townspeople and villagers. There were protectors of the Gypsies among non-Gypsy townspeople as well who stood against the perpetrators. It was the time when urbanization was intensifying in the town while the migration from the countryside to the town was also on the rise. The changes also had their impacts on the development of highway transportation that was pivotal to conducting business with the urban centers. The transportation business was especially important for the trade in wood from the forests into the town, where no other industry was available. While the discontent had started as a ‘Drivers’ Fight,’ it soon turned into a full-scale Gypsy hunt. Most of the Gypsies left the town for at least several months, and some never returned. They struggled to survive in other towns and cities, while some villagers and townspeople took over their professions.  

While talking about this case, townspeople remembered the story differently. Non-Gypsy townspeople usually referred forced dislocation as Gypsies’ fault as they misbehaved and acted immorally. The widespread rumor is that some Gypsy boys had passed words to Turkish schoolgirls who were using their neighborhoods to the secondary school. In this story, Gypsy threat and Turks as the victims were main emphases. The second story, on the other hand, demonstrates socioeconomic competition in the town. According to it, the tension originated from a discontent from a partnership of a truck between a Gypsy family, Kocayar and a non-Gypsy bully, Kadir. This story is only remembered and represented by Gypsies and a few non-Gypsy. Among most non-Gypsies, the story comes to surface only as a secondary version and after a conversational process of sharing and trust. At first, they usually start with the first narrative and after awhile, if they trust you and feel easy about talking, they may reveal the second narrative. It can find its place while talking about their personal experiences or upon further questioning. For instance, when I ask whether they know about the truck partnership, they may answer “Oh you know the real story!” although they keep talking about Gypsy misbehaviors until that very moment. Still, the first story is so powerful that some people do not even know about the second story but consider the forced dislocation as the result of the Gypsies’ own fault and immorality.  

In such a context, the fear among people can be visible in their silence and how they control one another about being silent to avoid the anger of the perpetrators as visible in neighbor Meliha’s narrative:  

“The next morning we got up. I asked “Sister Aysel [her older neighbor whose husband was working in the municipality—zabita], did you see what happened here?” [She is mimicking her whispering] “wipe your mouth.” “Do not raise your voice” I mean “wipe your mouth.” She said. “Look they broke [kirdilar] here tonight. Then let’s not make any noise. I mean they are enraged, they would come and harm us too.” That poor woman told me this. “Do not make any noise. Go into your house.”” 14

Similarly, one can keep his secret for 40 years because of his fear from the perpetrators until my oral history research. Old town counselor explained why he kept it a secret that he protected a Gypsy during the attacks:

“Can you keep a secret? It was seen as a national case. If you protect something that all of Bayramiç condemned... against them... [Silence asking for an understanding for the great pressure].” 15

Not only Gypsies’ narratives following the second story but all these narratives find their places in such an oral research which otherwise would be silenced in the town. Therefore, oral history has that potential to give opportunity for silenced people as well as stories against the dominant, more powerful and in some cases violating ones. This potential carries the possibility for a more just, equal and democratic society.

III. INVESTIGATING JUSTICE, DEMOCRACY AND EQUALITY

I believe that even making something heard can carry the potential for a change in the society. A different perspective can enrich our understandings for one another. Even feeling the power of talking and being heard can be significant for individuals and societies. It at least shows that one’s point is considered valuable and worth of listening. It may be because of this, some people really enjoy talking about their ideas and their points of view. The very act of conversation gives them the feeling of respect, worth and equality especially if they had to keep their silence out of fear and oppression.

Still, some people do not believe in the power of such activity. Some Gypsies in the town of Bayramiç did not want to talk about the case at all and kept their silence. They believed that talking about it would make no difference but just remind them those horrible times and their sufferings. Gypsy narrator Necmi revealed his disbelief about talking and such oral history research:

“When you touch upon that subject, you open my wound. That is why people do not like to talk about it. What difference would it make anyway? It was a massive attack. People do not even want to remember that, they do not even want to keep them in their minds. People do not like to tell their most painful moments. I would not like to tell them, as I would not like to refresh those memories. I realized it is very painful and if I tell it again then my wound[s] were open. We lived through very intense things. I left my family and went to the military. I left my people here in those circumstances and left. While everybody was looking for new homes, I was in the army. I did not know how they survived, how they made money and stayed alive for 2 years. Since the state took me to the military, they fed me there, but I never knew what happened to my family that I left here. It is also very painful. They made kırm. Why would you try to murder the people that you live under the same flag with and you are buried in the same cemetery with? The perpetrators should tell me the reasons for this then I would come and talk. Those people would not even have become emotional if they had known about our situation. From 1000 people maybe only 10 would…. Those who attacked, tell their children as if they had won a victory. If that child sees it as a victory, I would not take him in front and talk. If you write a book on this, there would be only 15 people who would care to read it.” 16

Although the picture was quite dark for Necmi, I still believe that even the practice and experience of conversation has the potential to change people’s perceptions and actions in further cases. The future influences of course are not measurable for the time being, but research experience itself has displayed this potential for questioning individuals. Shifts in people’s narratives that make subordinated stories

14 Özateşler, 140.
15 Özateşler, 142.
16 Özateşler, 121-122.
heard can be a very important signifier for such a potential. During conversations, many people started evaluating their own personal experiences in further investigation after repeating dominant story. While they reveal their personal experiences, they also usually start questioning what happened and whether their personal experiences match with previously told dominant story.

The conversation with retired teacher Necla, for instance, made this questioning obvious. While talking about the reasons for the violent attacks against Gypsies, I witnessed the transformation in her narrative very vividly. Suddenly, she started questioning her own narrative following the dominant story. She first told about the misbehaviors of the Gypsies, however, she was one of the teachers at the secondary school who would pass through the Gypsy neighborhood every day. She then started talking about her own experiences of good relationships with Gypsy families and how they were well-behaved. Eventually, she realized that there were not such evidences for Gypsy threat but the attacks were serving for some people’s own interests.

Consequently, such questionings have that potential for providing a critical eye as well as evaluation what is just and unjust in one’s own society. If not all, some people may criticize inequalities and injustices through such questionings. Eventually, oral history research can stand as not only an academic but also an activist approach that would transform individuals and societies for equality, democracy and justice. The very experience of conversation, questioning the gap between dominant discourses and real personal experiences, the feeling of respect for the silenced and subordinated people and stories, and finally being aware of different perspectives and hearing silenced people and stories are essential for this process.
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En mi patria no hay justicia. ¿Quiénes son los responsables? La lucha contra el olvido a través de los testimonios de víctimas del terrorismo de estado en Uruguay.

María Laura Bermúdez Gallinal (Uruguay):

Resumen: En esta propuesta deseamos trasmitir, a través del testimonio de los padres y la hija de un matrimonio uruguayo desaparecido en Buenos Aires, Argentina en 1976, el sentir de esta familia.

En mi patria no hay justicia. ¿Quiénes son los responsables? Fue la consigna utilizada en la XVIII Marcha del Silencio realizada en Montevideo, Uruguay el 20 de mayo de 2013. Dicha actividad es organizada año a año por Familiares de Detenidos Desaparecidos durante el terrorismo de estado en este país. La represión organizada contra los opositores a los regímenes dictatoriales, se enmarcó en el Plan Cóndor, cubriendo Argentina, Brasil, Chile, Paraguay y Uruguay.

A través de este trabajo podremos escuchar las voces –en este caso- de una familia que continúa buscando a sus desaparecidos, en contraposición a la lenta acción de la justicia en un país que hace casi treinta años goza de gobiernos democráticos.

Analizaremos en particular el protagonismo de las mujeres vinculadas a las víctimas, quienes, pese al paso del tiempo y todos los obstáculos encontrados, continúan en su lucha, que ha pasado a ser el motor de sus ya maduras vidas.

Palabras claves: Terrorismo de estado, oralidad, género.
En democracia: Los sinuosos caminos de la memoria y la justicia Argentina (1983-2013).

Liliana Barela
Argentina:

Resumen: Con la instalación del gobierno electo en 1983, la sociedad argentina comenzó un largo camino de consolidación de la democracia que incluyó la construcción de la memoria y la consecución (o no) de justicia respecto de los crímenes cometidos por la última dictadura militar (1976-83).

Fue un recorrido con avances y retrocesos que comenzó con el Juicio a las Juntas, pasó por las leyes de “impunidad” e indultos a favor de los represores, hasta llegar a la actualidad en la que se está llevando a cabo el juzgamiento masivo genocidas y cómplices.

Las acciones jurídicas han sido correlato de políticas implementadas, y ambos requirieron en cada etapa de un consenso social respecto de interpretaciones y memorias de lo sucedido.

Se analizarán los distintos momentos de construcción de la memoria de la dictadura, utilizando como fuentes testimonios de los protagonistas de las decisiones políticas y testigos de actos judiciales.

Abstract: With the new democratic government elected in 1983, the argentine society started a long way in the consolidation of democracy that included the built of memory of what have happened and the achievement (or not) of justice concerned to the crimes committed during the last Military Dictatorship (1976-1983).

Those were times of ups and downs which began with the Trial against the Military Junta (Juicio a las Juntas), then the “impunity” laws and pardon for repressors, until present days when genocides and theirs accomplices are being judged.

Those legal actions were very close to the political ones implemented by Government, but both needed in each phase, the social consent in terms of interpretation and memory of what have happened.

We are going to evaluate the different moments of “construction time memory” of the dictatorship, using as sources the testimony of the ones who have witnessed both political decisions of the Government but also the trials.
En un mundo globalizado y en cambio permanente, la pregunta sobre la identidad produce una explosión de la memoria que atraviesa todas las expresiones (culturales, mediáticas, cotidianas) y forma un entramado en el que interesa resaltar el tema de los usos (y abusos) de la memoria y del testimonio.

Uno de los usos de la memoria es la búsqueda de justicia. Para Paul Ricoeur una memoria “feliz” es aquella que cumple su objetivo, es decir, encuentra el objeto que fue a buscar al pasado (Ricoeur, 2003: 54).

Cuando ese objeto es la justicia ausente, recordar no basta. Y cuando la pretensión de verdad de la memoria “entra en el cauce de la ley” su papel es contundente. Una memoria sin justicia no repara, ni rescata del olvido, es decir, una memoria no es feliz si no es justa. Por ello se plantea la necesidad de examinar la relación de deber de memoria con la idea de justicia. La historia participa de la misma vinculación. Su quehacer mínimo es establecer hechos verdaderos, pero su objetivo mayor es explicarlos y comprenderlos, y tiene consecuencias respecto de la justicia en su doble sentido: ético y jurídico.

La ética esta presente en la frase “la historia me juzgará, o absolverá” que no es tan banal como parece. El “juicio” a los protagonistas de los acontecimientos es un fantasma que habita en las posturas historiográficas y los debates del presente. Si la historia es reciente, afecta a personas vivas y las verdades que ilumine pueden, además, tener consecuencias jurídicas.

El atributo más inmediato de la memoria sería asegurar la continuidad del tiempo y permitir resistir la alteridad, constituyendo un elemento de identidad, de la percepción de sí y de los otros. “Pero esta percepción difiere según se sitúa a escala individual, o de un grupo social o de una nación”. (Cuesta Bustillo, 2008: 39)

En las últimas décadas ha quedado claro que la memoria no es una sola, ni completa, ni estática. Es una construcción social cambiante que, además funciona como arena de conflicto permanente entre sectores que pujan por la apropiación de sentido, cuya etapa final sería su institucionalización. Por ello la historia debe agregar a su vieja misión de establecer hechos verdaderos del pasado, la de convertir la memoria misma en objeto de estudio.

Josefina Cuesta señala que, si bien han proliferado trabajos sobre los mecanismos de la memoria en casos específicos (especialmente los traumáticos como la Shoa o la Guerra Civil Española), aún no se ha logrado aún hacer una historia general de la memoria. Mientras esta tarea sigue pendiente, aquí se pretende aportar a la construcción colectiva de la historia, desde una perspectiva menos ambiciosa.

Vamos a revisar el proceso de memoria y justicia en la Argentina respecto de los crímenes cometidos por la dictadura cívico-militar de los años setenta y ochenta. Este camino comenzó con los históricos juicios de 1985, entró luego un período de impunidad que parecía irreversible, encontró un punto de inflexión en la derogación de los impedimentos jurídicos que ampararon la impunidad de los genocidas. Hoy estamos en una etapa de activo enjuiciamiento, pero también, de institucionalización de sentidos que incluye la lucha por la apropiación y el uso de espacios que materializan simbólicamente el terrorismo de estado.

En todo el camino el testimonio oral ha jugado un papel central porque en él convergen los distintos “trabajos de la memoria”, articulaciones entre memoria individual, colectiva. Reseñaremos las distintas representaciones que se instalaron en cada momento del proceso a través de dos elementos: los testimonios y las funciones de un edificio emblemático de la época de la dictadura.

**MEDIO SIGLO DE GOLPES DE ESTADO**
Desde 1930 América latina vivió varias décadas de golpes de estado y gobiernos militares. En Argentina, autoridades electas por sufragio fueron derrocadas en 1930, 1943, 1955, 1966, 1976. Los gobiernos civiles fueron breves y estuvieron presionados por fuerzas armadas que, en el contexto de la Guerra Fría se
fortalecieron como corporación, institucionalizaron su rol político, y unificaron su ideología, enmarcando su accionar en la Doctrina de Seguridad Nacional elaborada en la Escuela de las Américas.

La dictadura autodenominada Revolución Argentina, gobernó entre 1966 y 1973, sostuvo un programa desarrollista e intentó disciplinar la sociedad, pero no logró su objetivo: sucumbió ante un proceso de politización inédito que alcanzó todos los ámbitos (sindicatos, iglesias, partidos, movimientos sociales, grupos armados).

En 1973 accedió al gobierno por elecciones el peronismo después de 18 años de proscripción, pero pronto quedó inmerso en fuertes enfrentamientos. La derechización y represión (legal e ilegal) se profundizó y culminó con un nuevo golpe de estado en 1976, dando lugar a la dictadura más corta y de mayor intensidad represiva del Cono Sur. (Ansaldi, 2004: 29-51)

EL TERRORISMO DE ESTADO EN ARGENTINA

El gobierno de facto instaurado 1976 se autodenominó “Proceso de Reorganización Nacional”. Su método fue el terrorismo de estado y su meta transformar profundamente la sociedad argentina en lo económico-social y cultural. Duró siete años y tuvo éxito en muchos objetivos: socavó las bases industriales, debilitó las empresas estatales y aumentó en forma desmesurada la deuda externa. También disminuyeron los derechos laborales, se desarticularon organizaciones sindicales, políticas y sociales, y se disciplinó a la población alcanzando sus instituciones básicas (trabajo, la educación) y la vida privada (la familia, el individuo).

Varios factores colaboraron para que el golpe no encontrara resistencia por parte de la población. Décadas de presencia militar en el gobierno, habían “naturalizado” la falta de libertades y el descreimiento en la posibilidad de una democracia liberal como forma de canalizar la política. Desde 1974 –bajo el gobierno electo- se fue incrementando el protagonismo de grupos paramilitares de derecha y el rol de las Fuerzas Armadas en la lucha “antiguerrillera” y represiva. En 1976 -al momento del golpe- los grupos guerrilleros estaban debilitados y aislados de sus bases socio-políticas, y el apoyo de la población a los grupos de izquierda se iba desdibujando. No existía consenso para una feroz represión, pero sí decepción y rechazo por los enfrentamientos políticos, especialmente los producidos al interior del peronismo. Los medios de comunicación reforzaron la imagen de caos y desgobierno. La clave del éxito de la dictadura fue una combinación de consenso pasivo y miedo que operó como juego sutil de mostrar y ocultar que dejó margen (conciente o inconciente) para “no ver” o “no saber”, o para interpretar de modos distintos los dispersos fragmentos visibles de un accionar represivo, que de conocerse cabalmente no podía justificarse desde la base ética más elemental.

Las acciones del terrorismo de estado sólo fueron públicas en una pequeña parte. No hubo canchas llenas de prisioneros, juzgamiento por tribunales militares, ni ejecuciones formalmente reconocidas. En la prensa se podían encontrar breves notas en la sección de policiales sobre guerrilleros “abatidos” en “enfrentamientos”, o listas con nombres de personas a disposición del poder ejecutivo en cárceles comunes. Pero esto representaba una mínima parte de los prisioneros y asesinados. El método masivo y sistemático fue el secuestro de personas, su traslado a centros clandestinos de detención donde eran torturados, y en su mayoría, finalmente asesinados. En pocos y afortunados casos, al cabo de unos meses, el prisionero era “legalizado” o “blanqueado” pasándolo a una cárcel común, recién allí se publicaba su nombre. Del resto no se sabía nada. Cuerpos en fosas comunes o arrojados al río, robos de propiedad y apropiación de bebés nacidos en cautiverio cuyas madres no aparecerán más, fueron parte de los operativos a cargo de “grupos de tareas” civiles-militares con la complicidad de importantes instituciones y empresas.

NUEVOS ACTORES POLÍTICOS: LAS ORGANIZACIONES DE DERECHOS HUMANOS

La dictadura desarticuló las organizaciones políticas y sociales más combativas y paralizó la actividad de los partidos tradicionales. El espacio de resistencia fue siendo ocupado por organismos de defensa de los derechos humanos que cobraron un protagonismo inédito. Solo existía en el país una organización de
defensa de detenidos políticos, la Liga por los Derechos del Hombre, creada en 1937. Pero poco antes del golpe y mientras se incrementaban acciones de grupos paramilitares (que luego se integrarán a las filas del gobierno dictatorial) se crearon el Servicio de Paz y Justicia /1974/, la Asamblea Permanente de Derechos Humanos (diciembre de 1975), y el Movimiento Ecuménico por los Derechos Humanos (febrero de 1976).

Ya bajo el gobierno militar, la infructuosa búsqueda de los secuestrados en ministerios, cuarteles, etc. dio lugar a: Familiares, Madres de Plaza de Mayo y Abuelas de Plaza de Mayo (1977), mientras se instalaba la certeza de la existencia de “campos de concentración” (hoy llamados “centros clandestinos de detención”) y al tiempo, se empezó a nombrar los secuestrados como “desaparecidos”41.

En 1979, cuando la Comisión Interamericana de Derechos Humanos visita Argentina y las dificultades económicas aumentan, comienza un lento despertar de los sindicatos mientras los partidos políticos tradicionales se impacientan ante la falta de signos de regreso a la institucionalidad. Hacia 1981, la ausencia de acciones guerrilleras parece agotar la justificación del “enemigo interno” esgrimido por las Fuerzas Armadas. En 1982 el gobierno se embarcó en la Guerra de Malvinas con la intención de prestigioarse y continuar en el poder. La derrota produjo el vertiginoso colapso del régimen. La sociedad – cuya movilización había comenzado en apoyo a los soldados de Malvinas- estalló en reclamos de libertades y democracia. Sin lograr consolidar su influencia a futuro, las Fuerzas Armadas tuvieron que retirarse de modo abrupto: ocultaron la documentación, limpiaron los centros clandestinos y promulgaron una ley de auto amnistía sobre su propio accionar.

LA DEMOCRACIA Y LA CONSTRUCCIÓN DE LA MEMORIA

Con la retirada de la dictadura comienza la construcción de una explicación del pasado reciente. Historia y memoria, con metodologías y dinámicas diferentes, seleccionan hechos (con inevitables silencios y olvidos) y los articulan en un relato. Ambas son atravesadas por los medios de comunicación, los intereses e ideologías.

Desde el análisis de los testimonios se desprende que las decisiones políticas tomadas a lo largo del período fueron acordes con lo que la sociedad estaba en condiciones de aceptar, es decir, requirieron de una evaluación previa de la posibilidad de consenso.

Por ello las representaciones de las historias a través de diferentes medios, actos y discursos fueron más importantes que las causas y sus condenas.


Mientras se llevaba a cabo la campaña electoral de 1983, familiares y organizaciones de derechos humanos pedían “la aparición con vida” de quienes habían sido secuestrados vivos, conocer la verdad y que los responsables fueran castigados. Lograron adhesión de las fuerzas políticas y de un amplio sector de la sociedad que mostraba un ferviente deseo de vivir en libertad y de consolidar un sistema democrático: Pero nada eso estaba garantizado dado que militares y civiles implicados, seguían ocupando lugares de poder estatales, económicos, mediáticos.

Raúl Alfonsín integraba la Asamblea Permanente de los Derechos Humanos y fue el candidato que mejor percibió este clima social. Asumió la presidencia en diciembre de 1983, cargando sobre los hombros todas las expectativas: de justicia, verdad, libertad, y también, postergadas reivindicaciones económicas y sociales.42. Uno de sus primeros actos fue el juicio a las juntas militares en un acto de clara diferenciación de todos los casos de dictaduras militares latinoamericanos.

41) El convencimiento de que existían centros clandestinos de detención se produce por defecto: las autoridades negaban que las personas secuestradas estuvieran presas, los habeas corpus eran rechazados. Los nombres de “abatidos” en las noticias “policiales” o en las listas de “personas a disposición del poder ejecutivo”, habían sido secuestrados hacía meses.

42) En su discurso de asunción como presidente, Alfonsín exalta los valores democráticos y asegura “con la democracia se come, con la democracia se cura, con la democracia se educa.”
EL TESTIMONIO ORAL COMO HERRAMIENTA DE VERDAD Y JUSTICIA
La oralidad (en voz baja, a cuenta gotas) había la forma sido la principal forma de información utilizada por los organismos de derechos humanos en la época de dictadura. Ya en democracia, la ausencia de documentación y el hermetismo de los responsables, convirtió el testimonio en la herramienta casi excluyente de reconstrucción del pasado y en sustento de acciones jurídicas.

La primera medida fue la creación de una Comisión Nacional sobre Desaparición de Personas (CONADEP) compuesta por personalidades incuestionables y encargada de averiguar lo sucedido con los “desaparecidos”. En tiempo record, los testimonios permitieron redactar un informe de miles de páginas titulado Nunca Más, que reconstruye la metodología del terrorismo de estado, revelando la magnitud de un genocidio planificado y sistemático. La versión resumida se publicó como libro conmoviendo a la población y colaborando en la formación de consenso al juzgamiento de los responsables.

En 1985 comenzó el juicio a los integrantes de las Juntas de gobierno militar. Se los procesó como delincuentes comunes, dado que nuestras leyes no incluían las figuras de crímenes de lesa humanidad y genocidio. Las sentencias condenaron a Jorge Rafael Videla y Emilio Eduardo Masera a reclusión perpetua, Roberto Eduardo Viola, Armando Lambruschini y Orlando R. Agosti a 17, 8 y 4 años de prisión respectivamente. Omar Graffigna, Leoponodo Galtieri, Jorge I. Anaya y Basilio Lami Dozo fueron exonerados.

EL “ESMA” (ESCUELA DE MECÁNICA DE LA ARMADA), EMBLEMA DE LA DICTADURA
La “ESMA” era un complejo de edificios institucionales, entre otros, la Escuela Naval, el Casino de Oficiales y la Escuela de Mecánica de la Armada (E.S.M.A.) por cuyo nombre, muy visible desde la calle, se conocía el sitio. Durante la dictadura, en el Casino de Oficiales se instaló un centro de detención clandestina, convertido en paradigma entre cientos, por la cantidad de años que funcionó y de víctimas que alojó. Contaba con una meticulosa organización: pequeñas oficinas, biblioteca y archivo, depósito de botines de los saqueos de casas de personas secuestradas, lugares para los detenidos-desaparecidos, y sitios especiales para los que debían ser “trasladados”, salas de interrogatorios y torturas.

Justo antes del traspaso del poder de los militares al gobierno electo, se acondicionó el lugar borrando las huellas de centro clandestino. Pero en 1984 la Comisión Nacional sobre la Desaparición de Personas (Conadep) realizó una inspección al lugar que, sumada a los testimonios y fotografías de sobrevivientes permitió reconocer espacios, probar sus funciones y calcular que por allí pasaron alrededor de cinco mil personas que hoy continúan desaparecidas. La “ESMA”, convertida en un enorme símbolo del terrorismo de estado, siguió funcionando durante los primeros quince años de democracia bajo la tutela de las Fuerzas Armadas, pero nunca perdió su carga emblemática que la convertirá en el centro de acciones conflictivas de múltiples actores sociales y políticos.

LAS REPRESENTACIONES DE LA MEMORIA (Y DEL OLVIDO)
Las acciones judiciales y políticas respecto de los crímenes cometidos en la dictadura requerían de un marco interpretativo (una representación, entre todas las posibles) que reuniera el mayor consenso. Dada la excepcionalidad histórica de los juicios realizados a los miembros de las Juntas, cabe preguntarse ¿Cuál fue la representación sobre la dictadura que se instaló como hegemónica en la llamada transición democrática y permitió llevarlos a cabo?

DE LA “GUERRA SUCIA” A LOS “DOS DEMONIOS”
Las Fuerzas Armadas intentaron justificar su accionar con la teoría de la “guerra sucia”, según la cual, intentaban salvar la nación de su destrucción por parte de un enemigo subversivo que no utilizaba métodos de guerra formal. Así, los crímenes de lesa humanidad eran considerados acciones necesarias para un fin mayor. No había nada que juzgar y nada que aclarar sobre el destino de las personas.

43 Las fotografías fueron tomadas por el sobreviviente Víctor Basterra quien logró sustraerlas del Centro de detención, sirviendo luego en los juicios a numerosos represores.
desaparecidas, consideradas bajas enemigas o daños colaterales. Esta posición no se sostuvo con el comienzo de la democracia. La llamada auto-amnistía de los militares solo fue reconocida por un grupo político que no accedió al gobierno.

Ya en democracia, la “representación” sobre de lo sucedido durante la dictadura, se construye influida por el pasado inmediato, fresco aún en las mentes y los cuerpos. Se conoce como Teoría de los Dos Demonios y está expresada en el prólogo del Nunca Más elaborado por la CONADEP. Se postula la existencia de dos terroristas (de derecha e izquierda), igualmente condenables, que se enfrentaron dando pie a la intervención militar. A pesar de ello, se condena a las Fuerzas Armadas por ejercer un terrorismo mucho más condenable e inadmisible, dado que la función del estado es asegurar el imperio de la ley. La víctima “inocente” resultaba “la sociedad” que no participaba de uno ni de otro bando. La eficacia de esta interpretación -que se volvió hegemónica- radicó en no interpelar ni cuestionar a la población pasiva durante la dictadura. Se basaba en la simple premisa de la ignorancia de lo sucedido por parte de la sociedad. El “no saber” exculpaba, en cambio, “saber y no haber hecho nada” culpabiliza. La realidad había sido más compleja, en realidad, habían sido demasiados los signos sobre la falta de libertad y sobre la detención ilegal como para ignorarlos. (O’Donnell, 1984) (Calveiro, 1998).

Empieza a difundirse la idea de víctima “inocente”, la del que había caído “por error”. Al igual que las representaciones, las declaraciones de los sobrevivientes en los juicios evitaban especificar la militancia.

Las organizaciones de derechos humanos no lograron reformular profundamente estas imágenes. El “demonio” de izquierda había sido aniquilado, el mal quedó encarnado casi exclusivamente en los militares, y la víctima en la sociedad “civil”. El rédito fue el consenso para el juicio, pero el costo de la “inocencia” fue relegar a un plano difuso la identidad militante de las víctimas, y no hablar de la colaboración de civiles, ni de intereses que impulsaron y sostuvieron al gobierno militar y sus políticas económico-sociales.

El cine de comienzos de la democracia trató el tema a través de ficciones (no de documentales testimoniales) que lograron altísimos niveles de éxito y difusión, y se estructuran alrededor de esta representación. Alegorizan en la figura de mujeres, niños y adolescentes, una sociedad inocente e ignorante de las luchas políticas, que se convierte en víctima del enfrentamiento entre dos bandos igualmente violentos, el estado dictatorial y sus oponentes (sin voz en los filmes porque son personajes exiliados, desaparecidos o muertos, pero también violentos, lejanos a los valores de la libertad y democracia.


El Juicio a las Juntas dejó planteadas cuestiones a futuro como la insuficiencia de la ley para juzgar este tipo de crímenes, o las fortalezas y debilidades del testimonio. Los sobrevivientes declararon, encarnando la voz de las víctimas, y ello permitió condenar a algunos miembros de las Juntas, pero no se logró todas las condenas, ni esclarecer el destino de los “desaparecidos”.

Las organizaciones de derechos humanos siguieron investigando y exhumando fosas comunes, desarrollando modos de identificar restos humanos, e iniciando juicios a los represores que lograban reconocer. Mientras tanto, el gobierno de Alfonsín se enfrentaba a una imparable deuda externa heredada, una indomable inflación y extensas demandas sociales. Las preocupaciones económicas avanzaban en la sociedad que descubría que la democracia, por sí misma, no resolvía todos los problemas. Se produjeron levantamientos militares que fueron sofocados, pero rindieron frutos. El Congreso aprobó las leyes de Punto Final (diciembre 1986) y Obediencia Debida (1987), lo que significaba...
un franco bloqueo para la búsqueda de verdad y la justicia. Movilizaciones masivas enfrentaron estas leyes pero la preocupación de la población, políticos y medios de comunicación fue siendo captada por la escalada de precios que se convirtió en hiperinflación durante 1988-89. Desbordado por el tema económico, Raúl Alfonsín se vio obligado a adelantar las elecciones. Hoy se cree que fue el efecto de un golpe de estado económico, dado que el gobierno había aprobado la publicada de los depósitos bancarios privados.

LA POLÍTICA DE LA RECONCILIACIÓN (IMPUNIDAD Y OLVIDO) (1989-2001)
El presidente Carlos Menem firmó decretos (octubre de 1989 y diciembre de 1990) indultando a todos los presos por delitos cometidos durante la dictadura, levantamientos militares contra gobiernos democráticos y a algunos ex dirigentes guerrilleros que habían sido juzgados durante el gobierno de Alfonsín. Bajo el lema de una “reconciliación nacional” se intentó durante 10 años llevar a cabo una política de olvido del pasado reciente.

Desde 1991 aplicó un plan económico radicalmente monetarista y neoliberal, logrando la tan deseada estabilidad, pero también, la transformación económica y social más brutal de nuestra historia que cuenta entre sus efectos: destrucción de la industria, desmantelamiento del estado, récords de desocupación, exclusión social y precarización laboral.

RESISTIR EL OLVIDO
A pesar de todo, las organizaciones de derechos humanos siguieron buscando los niños apropiados, constituyeron un banco de ADN y los antropólogos forenses desarrollaron métodos científicos para el reconocimiento de cuerpos. Sus abogados encontraron una hendija para reencarcelar a los integrantes de las juntas: no habían sido juzgados por apropiación de niños. Tampoco había quedado invalidado el derecho de saber los destinos de los familiares desaparecidos, y en 1988 se comienzan a realizar Juicios por la Verdad, audiencias que tenían como objeto saber qué había pasado con cada desaparecido, eran públicas y los testimonios adoptaban modalidad jurídica. Mantuvieron la memoria viva y constituyeron un reservorio de información en miles de expedientes.

Pronto, la nueva generación hace su aporte: se crea HIJOS (Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio) en 1995, y se implementan los “escraches” o denuncia pública de los represores frente a sus lugares de residencia.

Se pide la inconstitucionalidad de las leyes de Obediencia Debida y Punto Final en base imprescriptibilidad de los crímenes de lesa humanidad, que figuraba en los tratados internacionales firmados por la Argentina en 1984, incorporados al texto constitucional en la Reforma de 1994.

Entre otros cambios culturales, el cine vive un “boom documental”, y entre los temas abordados, está la dictadura en base a testimonios y desde variados puntos de vista. Se publican libros sobre las organizaciones políticas de los años sesenta y setenta, en un tono más polémico.

A pesar de todo, la representación instalada en los 80 sigue siendo hegemónica, y eficaz para algunos objetivos, como la búsqueda de niños apropiados. En esa línea se inaugura Teatro de la Identidad en 2001, y se realizó el film “Botín de Guerra”, un documental institucional de Abuelas de Plaza de Mayo del año 2000 que aún prioriza la puesta en escena a las víctimas menos cuestionadas (nietos y abuelas) y continúa la línea de silenciamiento sobre la política.

También a fines de la década, comenzó una fuerte disputa sobre la ESMA que se van convirtiendo en emblema de memoria. En 1998, Carlos Menen decretó el traslado de las instituciones que allí funcionaban

47 La Ley de Punto Final establece un plazo de 60 días para iniciación de causas judiciales, bloqueando el camino dado la enorme dificultad que implicaba reunir pruebas. La Ley de Obediencia debida eximía de responsabilidad a quienes habían cometido delitos bajo órdenes superiores.
a la Base Naval Puerto Belgrano, con el objeto de demoler el edificio y crear un espacio público verde que sería “símbolo de la unión nacional”. Los organismos de derechos humanos repudiaron la disposición y familiares de desaparecidos presentaron una acción de amparo. El Juez Federal Ernesto Marinelli suspendió la ejecución del decreto considerando el doble valor del edificio (patrimonial y probatorio en los juicios), y sustentando la responsabilidad del Estado en lo referente a dar respuesta sobre el destino de los desaparecidos.

En forma simultánea, el Gobierno de la Ciudad de Buenos Aires reclamó al Poder Ejecutivo Nacional la restitución del predio basándose en que se había violado la condición de uso exclusivo para funciones educativas. Al tiempo, legisladores presentaron proyectos que proponían diversos usos para el edificio, y los altos mandos militares defendieron su permanencia en el predio, intentando legitimarla con la ampliación de las funciones educativas.

En junio de 2000, la Legislatura de la Ciudad de Buenos Aires aprobó por unanimidad la ley 329, que revoca la cesión de 1924 al Ministerio de Marina del predio y dispuso que se emplace en ese lugar un Museo de la Memoria.

RECUPERACIÓN DE MEMORIA, REALIZACIÓN DE JUSTICIA

En la segunda mitad la década del noventa se hicieron visibles las terribles consecuencias del modelo neoliberal implementado y se sumaron nuevas formas de protesta y organización (desocupados, piquetes). Las elecciones de 1999 concitieron expectativas de cambio, pero el nuevo gobierno continuó el rumbo económico del anterior. Finalmente, la crisis detonó en 2001/2002, en una explosión social contra las políticas económico-sociales neoliberales y de rechazo hacia los partidos e instituciones políticas. Los pedidos de inconstitucionalidad de las leyes de impunidad comenzaron a rendir frutos en 2001 con fallos de jueces de Primera Instancia que, obviamente, fueron apelados.

El 2003, con llegada a la presidencia de Néstor Kirchner se produjo un cambio en las políticas económicas, sociales, internacionales, y también un giro rotundo en la construcción de memoria y la de la justicia. Ahora el estado impulsaba la declaración del 24 de Marzo como Día Nacional de la Memoria por la Verdad y la Justicia, la implementación de enseñanza de los hechos de la dictadura en las escuelas, la expropiación del predio de la ESMA para ser convertido en Espacio para la Memoria.

En 2003 la Corte Suprema declaró la imprecriptibilidad de los delitos de lesa humanidad y confirmó la inconstitucionalidad de las leyes de Punto Final y Obediencia Debida, al tiempo que el Congreso nacional las declaraba nulas. En 2010 la Corte Suprema confirmó la inconstitucionalidad de los indultos decretados por el Presidente Menem. De este modo se fueron abriendo las compuertas del juzgamiento que hoy vivimos.

SOBRE EL DESTINO DE LA “ESMA”

En diciembre de 2002, la Legislatura aprobó la ley 961 que crea el Instituto Espacio para la Memoria destinado al resguardo y transmisión de la memoria e historia de los hechos ocurridos durante el terrorismo de Estado, integrado por representantes de los organismos de derechos humanos y de la Legislatura y el Poder Ejecutivo del Gobierno de la Ciudad. Por iniciativa de los organismos de Derechos Humanos se plantea la construcción de un Museo o Espacio para la Memoria en el edificio conocido como Cuatro Columnas o Pabellón Central donde funcionó el centro clandestino de detención dentro de la ex “ESMA”.

En 2004 el presidente Kirchner dispuso el desalojo del predio por parte de las instituciones militares y su restitución a la Ciudad de Buenos Aires, con la que firmó un convenio para la creación de un “Espacio para la Memoria y la Promoción y defensa de los Derechos Humanos” en el lugar. Ambas disposiciones se cumplieron en 2007 con el desalojo total del predio de la ex ESMA y la creación del Ente Público Espacio para la Memoria y para la Promoción y Defensa de los Derechos Humanos conformado por un Directorio integrado por los Organismos de Derechos Humanos; un Consejo Asesor integrado por ex detenidos-
desaparecidos en ese lugar y representado también en el Directorio; un órgano ejecutivo conformado por el Gobierno Nacional, representado por el Archivo Nacional de la Memoria; el de la Ciudad, representado por el Instituto Espacio para la Memoria; y un representante de los Organismos de Derechos Humanos elegido por el Directorio. En el mismo momento se ratificó la tenencia, uso y guarda al IEM de los siguientes edificios: Casino de Oficiales, Edificio Central (“Cuatro Columnas”), Enfermería, Taller de Automotores, Imprenta, vinculados en forma directa con las acciones vinculadas a la metodología del terrorismo de estado.

LA MEMORIA Y EL MUSEO
El IEM asumió la responsabilidad de contar los hechos, de instalar una muestra permanente y de preservar y señalar los sitios para transmisión de la memoria.

El debate comenzó antes de 2008 en las reuniones del Consejo del IEM.

La idea clásica de museo es la representación de un guión histórico que se refleja en objetos materiales, datos e imágenes, generalmente de colecciones preexistentes. Nosotros partíamos de la ausencia de objetos materiales, salvo el propio edificio, del cual se habían borrado las marcas de lo sucedido.

También estaba pendiente la elaboración de un guión museológico que debía ser resultado de una investigación histórica previa. Pero, ¿cómo hacerla? ¿Quiénes y cómo debían participar de su elaboración? El debate se polarizó entre científicos o representantes de los organismos de los derechos humanos, reflejando la polémica sobre la memoria: ¿quién es el dueño de interpretación del pasado y quién determina los usos de la memoria? La discusión se prolongó y produjo el alejamiento de dos organismos: el Centro de Estudios Legales y Sociales (CELS), que confiaban en los académicos y habían realizado un conjunto de preguntas homologadas para recabar testimonio de los protagonistas, constituyendo el primer archivo sistematizado de testimonios de sobrevivientes del terrorismo de Estado, luego renunciaron las emblemáticas organizaciones de Abuelas e Hijos que en los últimos años quedaron vinculadas a las políticas de memoria del Gobierno Nacional, perdiendo parte de la autonomía y la diversidad de otros períodos.

El resto de integrantes del IEM entendió que el organismo era una instancia de encuentro de diversidad social y política, obligado a promover y ejercer el debate constante como modo de aprendizaje y enriquecimiento. Se realizó un intenso trabajo de reuniones, lecturas y discusiones sobre historia argentina y, finalmente, se encargó una obra colectiva que fue publicada en 2010 con el nombre de “El Terrorismo de Estado en la Argentina. Apuntes sobre su historia y sus consecuencias. El otro en el discurso político Argentino. Selección documental”, a cargo de profesionales como Osvaldo Bayer, Atilio Borón y José Gambina, Francisco La Greca y Elvira Barillaro.

El libro inspiró la Muestra sobre el Terrorismo de Estado en la Argentina instalada en el Patrio Cuatro Columnas en Julio de 2011. Allí se lanzó el Concurso Nacional de Anteproyectos “Espacio para la Memoria” para el Edificio Cuatro Columnas, con el objeto de preservar ese testimonio único y generar un Área de Exposiciones permanentes, un Centro de Documentación y Biblioteca, y espacios de restauración, depósitos, aulas, auditorios, entre otros usos previstos. La refuncionalización de espacios es una tarea compleja, aquí se le suma la carga de preservar espacios que son testimonios materiales, su relación con el espacio circundante y mantener la esencia arquitectónica de su concepción. Participaron muchos jóvenes profesionales produciéndose un diálogo intergeneracional, interprofesional, y de vivencias porque el proceso de selección de análisis y selección de proyectos siguió también una metodología de debate y decisión por consenso.

EL LARGO Y SINUOSO CAMINO DE LA MEMORIA

En síntesis, se tardó más de treinta años en remover las trabas para juzgar los crímenes cometidos en la dictadura. El camino avanzó, retrocedió, y por momentos pareció no tener salida. Hoy los juicios multiplican día a día, se replican las conmemoraciones, documentales, publicaciones de difusión que construyen memoria. Los testimonios siguen siendo base de la denuncia y prueba legal, pilar de la memoria y fuente de la historia.

Este proceso de institucionalización de la memoria y actividad de la justicia incluyó, en principio, otras voces que apenas habían sido oídas, como sectores progrestas y de izquierda, que hacían hincapié en la dictadura como el comienzo de la reestructuración económico y social que culminó con el neoliberalismo. Los hilos que corrían por separado en los años 80 comienzan a entrelazarse mientras la política se reconstruía como instrumento de cambio.

Hoy, el discurso hegemónico se ha unificado en varios puntos: todos tienen en cuenta los objetivos económico-sociales de la dictadura, se reivindica la militancia política de sus víctimas, se señala la colaboración civil con la dictadura (dictadura cívico-militar). Otros puntos siguen en disputa. Si bien se reconoce que el terrorismo de estado comenzó antes del golpe, la versión oficial tiende a ubicarlo temporalmente después de la muerte de Perón en Julio de 1974, mientras que otras fuerzas insisten en resaltar que comenzó durante su gobierno. En esta diferencia de meses se juega la valoración (positiva o negativa) de Perón, reconocido por el partido gobernante actual como líder y conductor.

Tambiém la teoría de los dos demonios se explica como falaz. En 2006, al cumplirse los 30 años del Golpe, el primer Prólogo del libro Nunca Más fue reemplazado por otro que plantea la existencia de sólo un terrorismo de estado, cívico-militar, y entre sus objetivos se incluyen los económicos y sociales.

LA INSTITUCIONALIZACIÓN DE LA MEMORIA: COSTOS Y EXCLUSIONES.

Ahora bien, si el testimonio ha sido la base de la construcción de memoria: ¿cómo se explica esta transformación? ¿Qué papel jugó el testimonio? ¿en qué medida las representaciones anteriores pueden ser reemplazadas por otras? ¿Y en qué condiciones sucede?

Desde la historia o desde la memoria, siempre se mira el pasado desde un presente que tiene sus propias preguntas. Y “la distancia temporal entre pasado y presente es un marco para la apropiación de diversas estratificaciones del sentido de los acontecimientos pasados, que se transforman en acontecimientos “sobre-significados” (Cuesta Bustillo, 1993:36).

En los años ochenta la adhesión a la democracia y el consenso al juzgamiento se construyó en base al testimonio y la búsqueda de verdad. Pero no toda la verdad ni todos los testimonios. Solo aquellos que se “podían decir”, sea por lo que los interlocutores estaban en condiciones de escuchar, o porque los que testimonian se atrevían a hablar a pesar del fantasma de la represión, de no ser creídos o ser descalificados (Cuesta Bustillo, 1993: 58).

En esa primera época, “teoría de los dos demonios” logró consenso y se convirtió en discurso hegemónico, facilitando los primeros pasos de la justicia. El costo fue silenciar o marginar muchas voces que cuestionaban esta visión desde otros lugares ideológicos o académicos. Esas voces que se mantuvieron como subalternas hasta que un nuevo contexto que les permitiera emergir.

Ese cambio se produjo con la crisis de 2001. La sociedad estuvo dispuesta a “escuchar” “otras voces” que le permitieran articular en un relato distinto la nueva realidad. El gobierno de Nestor Kirchner asumió en 2003 representó el comienzo de un nuevo momento de memoria, en la que se incluyeron voces hasta entonces relegadas. El contexto fue favorable a la reapertura de juzgamientos, al cambio del relato, y a la institucionalización de la memoria sobre la dictadura.
Pero como dijimos al referirnos a los primeros años de democracia, toda construcción de memoria hegemónica tiene costos y exclusiones. Y el proceso que estamos viviendo actualmente no está exento de ello. Si en los primeros años se abrió el juego a todos los organismos de derechos humanos, en la actualidad se está viviendo el movimiento contrario. Los relatos y las materializaciones de la memoria siguen en disputa, pero el canal que los contiene se van angostando. Un ejemplo de esas exclusiones es el proceso actual del IEM y el espacio del Esma.

Recientemente, mediante un acuerdo, el Gobierno de la Ciudad de Buenos Aires trasladó al Gobierno Nacional los espacios donde funcionaron los centros clandestinos de detención, actualmente espacios de memoria, entre los cuales el más emblemático es el del predio de la ESMA. La principal labor que venía desarrollando el IEM -con enorme esfuerzo por preservar la autonomía y la pluralidad de los organismos que la integran- pasa ahora a depender del Poder Ejecutivo Nacional, y por tanto, en el futuro quedará manos del partido que ocupe ese lugar.

 Esto no es casual. Sucedé que se ha instalado una nueva representación que tiende a institucionalizarse como una historia sin fisuras ni contradicciones.

Las nuevas acciones tienden a dramatizar ciertos lugares museísticos en forma escenográfica y dejar el resto como archivos o sitios de esparcimiento, es decir, un Centro Cultural con variadas actividades, alejadas de los temas vinculados a la memoria, y con la mirada optimista hacia el futuro. Por otro lado, críticos integrantes de organismos, desgravaba fuertes sospechas sobre algunas decisiones tomadas por un gobierno que había manifestado a favor de la recuperación de los juicios, por la justicia y la verdad. Por ejemplo, la designación de un represor como Jefe del Ejército, o la sanción de una ley antiterrorista que está empezando a sustentar acciones contra trabajadores. El clima político está dificultando la distinción de las voces de víctimas y victimarios. Ello resuena a los años noventa cuando, bajo pretexto de una reconciliación, se intentó borrar la historia y el pasado.

Si el camino toma ese sentido, se demostraría que no existe real independencia de los centros económicos mundiales. Empresas y bancos podrían quedar comprometidos por el encadenamiento de los diferentes juicios que se están llevando a cabo. Sabemos que el juzgamiento de los represores directos fue (y es) difícil, pero vincular sectores económicos personeros de poderes internacionales, lo parece mucho más.

En esa línea, el discurso y acción del IEM, organismo creado por la Legislatura, constituiría un lugar poco controlable, peligroso por su independencia y pluralidad. Y para acallarlo, el gobierno nacional y gobierno local se pusieron de acuerdo mediante confusos convenios de traspaso y de disolución.

Ya hemos señalado que, comparada con otros países de América Latina, Argentina avanzó mucho en lo que hace a la justicia sobre los crímenes de la dictadura. Pero falta aún mucho más para completar la tarea. Y cabe preguntarse si hemos llegado al límite tolerado por el poder hegemónico mundial. La mayoría de las comisiones de derechos humanos de los países han claudicado su reclamo de verdad y justicia en pos de una reconciliación planteada como la única garantía posible de paz y de progreso. Nosotros llegamos hasta aquí. Veremos que caminos nuevos tomaran la resistencia y la represión en el futuro.
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