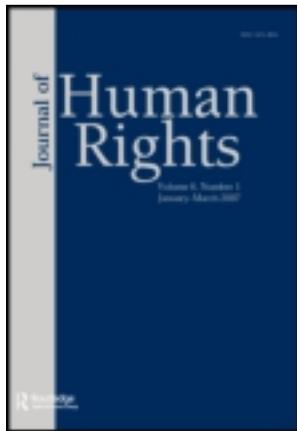


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H.I.J.O.S. and the Spectacular Denunciation of Impunity: The Struggle for Memory, Truth, and Justice and the (Re-)Construction of Democracy in Argentina

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H.I.J.O.S. and the Spectacular Denunciation of Impunity: The Struggle for Memory, Truth, and Justice and the (Re-)Construction of Democracy in Argentina

VINCENT DRULIOLLE

The article analyzes how H.I.J.O.S. has rejuvenated the struggle for memory, truth, and justice in postauthoritarian Argentina, in particular through its carnivalesque demonstrations, the escraches. While they are often presented as a form of resistance that is democratic insofar as they foster participation in politics, the article warns against equating memory with both resistance and democracy. The relationship between them should be critically explored rather than taken for granted or ignored, which requires clarifying the conceptualization of democracy underling the analysis of memory struggles and practices. The article draws on theories of agonistic democracy to re-assess the politics of memory and highlight some of its limits and tensions through an analysis of the struggle and activism of H.I.J.O.S. in postauthoritarian Argentina. The implications for the (re-)construction of democracy are highlighted. The analysis of H.I.J.O.S. and the escraches is finally explained in the context of the reconceptualization of reconciliation as a political task by agonistic democracy. The conclusion reasserts the importance of exploring the relationship between memory and democracy for, if H.I.J.O.S. reminds us that remembering is as much about the past as it is forward-looking, it should not be forgotten that the future that memory struggles and practices envision is a democratic future.

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Si no hay justicia, hay escrache [If there's no justice, there's *escrache*].

—Slogan of the *escrache*

Soon after taking office, Raúl Alfonsín, the newly elected President of Argentina, ordered the creation of a commission to investigate the crimes of the dictatorship (1976–1982), and the leaders of the military juntas were prosecuted. These measures were then unprecedented. In fact, Alfonsín sought to limit legal prosecution to top military officers, and he had planned to pardon them by the end of his presidency. Yet, he had underestimated the force of the demand for justice, and courts were soon overwhelmed. To stop the process that had been set in motion, two amnesty laws were voted following the Trial of the Juntas in 1985: the Full Stop Law (1986) that marked a cutoff date for all trials for human rights violations committed during the last dictatorship, and the Due Obedience Law (1987) that stipulated that only the officers who gave orders can be held responsible for the repression. In 1990, Alfonsín's successor in office, Carlos Menem, pardoned the military leaders sentenced in 1985 but also those court-martialed for the Falklands/Malvinas War, the leaders of the military rebellions that followed the Trial of the Juntas,¹ and some members of the Left-wing guerrilla against which the dictatorship claimed to defend the country. President Menem justified the pardons in the name of reconciliation. He also radically reformed the armed forces to submit them to civilian control. Despite Alfonsín's initial measures, impunity defined postdictatorship Argentina in the 1990s. Kaiser (2002: 501–503) refers to the “cultural scenario of impunity” of the 1990s as “the ‘normalization’ of living with *represores*,” or “society’s apparent adaptation, conscious or unconscious, to the reality that torturers, assassins, and ‘disappears’ (of people) have a place within streets, restaurants, coffee shops, television screens, magazines, holiday resorts, official ceremonies, and even significant public office.”

However, the struggle for memory, truth, and justice of the relatives of the disappeared in postauthoritarian Argentina never stopped, and it was resurrected in the mid-1990s. In 1995, Adolfo Scilingo, a naval officer under the dictatorship, publicly acknowledged that after being tortured, prisoners were drugged and dumped into the Atlantic Ocean and the River Plate (Verbitsky 2005). Scilingo's confessions triggered more revelations and reactions. In particular, in an unprecedented, though limited, act of institutional self-criticism, Martín Balza, the Army's General Chief of Staff, publicly condemned the military takeover of 1976 and acknowledged that the armed forces systematically tortured, killed and stole during the “dirty war.” It is in this context that the children of the disappeared, a generation that in the mid-1990s had just come of age, got involved in the struggle for memory, truth, and justice. They created a new organization called H.I.J.O.S. (*Hijos por la Identidad y la Justicia contra el Olvido y el Silencio*, Children for Identity and Justice and against Forgetting and Silence; the acronym means “children”). H.I.J.O.S. was instrumental in rejuvenating the struggle of the Argentine human rights movement, and it has remained one of its high-profile members.

This article critically discusses the contribution of H.I.J.O.S. to the struggle for memory, truth, and justice in Argentina, but also how it has been analyzed. Apart from a few important ethnographic studies in Spanish of the organization and its members (Da Silva Catela 2001; Bonaldi 2006a, 2006b), both the media and scholars have focused primarily on the *escrache*, the carnivalesque demonstration that consists of naming and shaming the members of the last military dictatorship who have not been prosecuted for their crimes, a practice to which H.I.J.O.S. is often reduced. The *escraches* have been analyzed as a form of communication (Kaiser 2002) or performance linked to the experience of trauma (Taylor 2002; Benegas 2011) that blurs the boundary between art and politics. The political dimension of the

activism of H.I.J.O.S. is usually stressed, especially the idea of empowering participants in the *escraches* and of fostering participation in politics more generally (Kaplan 2004: 152–175). This dimension is in addition equated with, and celebrated as, “resistance” by both scholars and activists.

What resistance means, and what is resisted, is often far from clear however. The understanding of memory struggles involving grassroots movements and commemorative practices is based on several assumptions that do not dispel this ambiguity. Grassroots, nonofficial, and “micro” practices are said to be “genuine” memory and, *by definition*, resistance. Moreover, because it demands justice, memory itself is seen as oppositional, or as a form of resistance. Therefore, for various activists and scholars, institutionalizing memory would be seen as a contradiction and should be opposed. Finally, resistance (and thus memory) is also often used interchangeably with politics and democracy. As Brown (1996: 730) argues in his scathing critique of the use of the concept, “resistance is a perfect vehicle for the expression of moral fervor precisely because it is so vague, so easily left to the eye of the beholder.”² As a result, a complex but fundamental relationship, both conceptual and practical, is taken for granted. This article contends that the equation “memory = resistance = democracy” reflects the limits of the conceptualization of democracy underlying the analysis of the politics of memory while scholars and activists alike argue that (re-)constructing democracy in the aftermath of mass violence is, and should be, one of its main objectives. This equation cannot be taken for granted, or simply ignored, which requires clarifying one’s conceptualization of democracy. This article argues that reintroducing democracy allows us to reconsider a range of memory practices, and the politics of memory in general, as well as the political issues at stake in postconflict societies. Instead of offering a general discussion of the relationship between memory and democracy (in postconflict societies), this article draws on democratic theory to re-assess the politics of memory and to highlight some of its limits and tensions through an analysis of the struggle and activism of H.I.J.O.S. in postauthoritarian Argentina.

Therefore, this article first outlines how democracy may be understood to make sense of memory practices and struggles. It argues that both its political and ethical dimensions should be emphasized and combined. More specifically, it draws on theories of agonistic democracy and claims that their critical perspective on political processes can enrich our understanding of the politics of memory and its stakes. This article then turns to H.I.J.O.S. and the *escraches*. After accounting for the birth of H.I.J.O.S. and the evolution of the group and its political agenda, the *escraches* are described. The framework outlined in the first section is then used to analyze the discourse and activism of H.I.J.O.S., focusing more precisely on the notion of justice underlying them, and their implications for the (re-)construction of democracy in Argentina are highlighted. Finally, the conclusion underlines the contribution of theories of agonistic democracy to critically analyze memory struggles and practices, to stress the forward-looking dimension of memory, and to rethink what is commonly called reconciliation as an ever-deferred political and ethical project.

Democracy Beyond Political System, Deliberation, and Normative Theorizing: Agonistic Democracy, Politics, and Ethics

Few studies of the politics of memory critically engage with the concept of democracy although various understandings underlie them. The political science literature, like numerous politicians and commentators, warn against the divisive and destabilizing effects of the politics of memory and mobilizations to demand justice for past crimes. It is claimed that a willingness to deal with a violent past may reopen old wounds, if not turn justice into

vengeance, when democracy means, and requires, looking ahead instead of dwelling on the past. Such arguments reflect an understanding of democracy as a form of political system combined with a focus on regime stability and consolidation following the demise of an authoritarian regime. The importance of social trust and social capital is also associated with this idea. They are seen as necessary to societal cohesion and democratic life, and the politics of memory and mobilizations to demand justice for past crimes may undermine them. Democracy is equated with institutional stability and is reduced to forgetting and consensus on the fundamental issues, values, and rules of the new regime. On the contrary, scholars endorsing a participatory model of democracy equate it primarily with contestation and involvement in politics. Democracy and participation are not reduced to (representative) institutions and voting: They are about direct, active involvement in politics, and the politics of memory is a unique opportunity to overcome a legacy of terror and to shape the values and institutions of postconflict society.

Another influential theory is that of deliberative democracy. Its advocates stress that coming to terms with the past can only be the outcome of inclusive, transparent, and rational deliberation in society and various institutions. In a much-cited text, Gutmann and Thompson (2000: 41) defend truth commissions on the ground that they encourage “accommodation to conflicting views that fall within the range of reasonable disagreement.” The authors stress the value of reciprocity, or the requirement for citizens to understand and respect the positions of others so long as they demonstrate a similar disposition and a willingness to express themselves and understand each other within given moral bounds, as a way of making disagreement about the past reasonable and inclusive. Finally, normative theories of democracy are interested in the moral foundations of democratic institutions and processes, and they often defend the politics of memory and transitional justice as a way of marking the shift from dictatorship and repression to democracy. They affirm the legitimacy of the new regime based on the rule of law, the recognition of the suffering of victims, and the commitment not to repeat past crimes.

The question of the relationship between memory and democracy tends to be addressed indirectly through the debate over whether or not, and the extent to which, democratic societies should remember (and forget). In one of the few articles that analyze the relationship between memory and democracy, Misztal explains that “there are widespread assertions that memory is important for democratic community to achieve its potential, avoid dangers of past crimes, and secure its continuation. These assertions assume collective memory as a condition for freedom, justice, and the stability of democratic order” (2005: 1320). On the other hand, “popular counterpropositions [argue] that memory presents a threat to democratic community because it can undermine cohesion, increase the costs of cooperation, and cause moral damage to civil society by conflating political and ethnic or cultural boundaries” (Misztal 2005: 1320). Such assertions and assumptions reflect the conceptions of democracy summarized in the previous paragraph. Misztal concludes that “collective memory can enhance or reduce democracy depending on the extent to which the community adopts a critical and open approach to the past” and that “what matters for democracy’s health is not social remembering per se but the way in which the past is called up and used” (2005: 1336). The first conclusion requires defining both “democracy” and “critical,” while the second conclusion highlights the limits of such general questions as “remembering or forgetting?” presented as the main political or normative dilemma. Instead, it invites us to analyze how a range of practices and discourses reflect, produce and/or convey ideas, values, and practices that may be called democratic. The rest of this section argues that agonistic democracy allows us to shift to this agenda by explaining how democracy is understood and parsing out its political and ethical aspects.

Agonistic democracy is a heterogeneous body of scholarship that draws on the work of various political theorists.³ The critique of empirical, institutional, and deliberative models of democracy is based on a conceptualization of politics as the practices and discourses through which the identity of subjects and social relations are given meaning and mutually constituted. Agonistic democracy focuses on the constitution of society as an ordered and meaningful system of social relations. What it emphasizes is the contingency and contestability not just of political arrangements but of the identities and social relations that make these arrangements possible and reproduce and naturalize them. Democracy is precisely the regime that does not deny this constitutive openness or its own contingency. Democracy is a *political* regime in that the conflicts over the identities and principles regulating social relations are recognized as constitutive, rather than problems to be resolved and eliminated through institutions or deliberation. The desire for stability as the absence of disagreement and contestation is opposed to democracy because the latter does not require consensus on the principles and procedures of political life that should also be open to political contestation. Indeed, the institutional requirements of deliberative democracy and the stress on reciprocity and rational dialogue has been extensively criticized for excluding various groups and demands from public deliberation. As Young (2001) shows, various struggles and forms of activism would be excluded from public debate, and the rest of the article argues that they might include H.I.J.O.S., which is challenged. Thus, Little and Lloyd claim that “democracy is not a form of government or set of institutions but rather a moment marking the practice of politics itself” and that democracy “is understood as a fugitive condition or open-ended process, and thus perpetually amenable to disruption and renewal” (2009: 3). Agonistic democrats have a tendency to reduce democracy and politics to contestation (even though it includes a wide range of practices), and they are rightly criticized for neglecting the importance of institutions in political life.⁴ Nevertheless, insofar as it highlights how politics has to do with the constitution of society as a meaningful set of identities and social relations, and because it is interested in a range of practices that go beyond rational deliberation, agonistic democracy is a theory that can help us shed new light on memory struggles and commemorative practices, rethink what is *political* about them and highlight the tensions of the politics of memory.

Agonistic democrats do not see the demos as preconstituted and prior to society, but as the contingent and always elusive product of political action. The implication of clearly separating the demos and society is that politics has an *ethical* dimension that also derives from the affirmation of the contingency and contestability of democracy. Identities are constructed and define themselves always in their relationship to other identities. The co-constitution of individual identities and the community that they form raises the issue of the boundaries excluding individuals and groups from membership of the community, limiting pluralism, and sanctioning modes of inclusion and exclusion. In other words, the ethical part of agonistic democracy critically scrutinizes the prevalent mode of engagement between groups and actors forming a contingent political community.

To sum up, agonistic democracy encompasses the practices and discourses that constitute society (*politics*) and an *ethical* perspective. Analyzing how both aspects are intertwined is essential and allows us to analyze how commemorative practices (rather than memory in general) may contribute to the (re-)construction of democracy beyond fostering participation in politics. The upshot is that equating them with resistance for this very reason, as the introduction explains, is simply not enough. Drawing on theories of agonistic democracy, this article re-assesses some aspects of the politics of memory, highlighting some of its limits and tensions.

At this stage, the difference between ethics and normative judgment should be stressed. While the former deals with how society is constructed, the latter refers to the substantive content of identities and social relationships, the grounds to compare and judge them, or the legitimate content of political debate. Equating memory with resistance is in fact often a normative judgment owing to “the moralism implicit in attributions of resistance” (Brown 1996: 733). For agonistic democrats, normative values and criteria are and should remain the product of political struggles. As a result, they refuse to outline a normative theory of democracy. What agonistic democrats reject is the tendency for moral judgments to replace politics. Following Mouffe (2005: 72–76), playing out politics in the moral register, or transforming the “we/they” opposition constitutive of identities and politics to the pair “good/evil,” threatens democracy as it entrenches identities instead of acknowledging their political character and contestability. The presuppositions and ethical perspective of agonistic democracy, and its defense of democracy and pluralism, reflect normative values. However, its understanding of contestation and resistance is different from that of advocates of participative democracy, and their defense is ethical, not normative.

This first section has briefly clarified the conceptualization of democracy, politics, and ethics used in the article. In the following sections, this theoretical framework is used to analyze H.I.J.O.S. and the *escraches* and highlight some limits and tensions of this form of memory activism.

H.I.J.O.S. and the Rejuvenation of the Struggle for Memory, Truth, and Justice

It is at a commemoration organized in the memory of their parents at the University’s School of Architecture and Urban Planning in 1994 in La Plata that some children of the disappeared got together for the first time. They exchanged their stories of missing parents and search for identity. Soon their objective went beyond simply getting together and sharing their experiences. In 1995, H.I.J.O.S. was created in Córdoba (Kaplan 2004: 153–156). Subsequently, several groups appeared across the country and formed a national network. In their “Open Letter to Argentine Society”, these children of the disappeared proclaimed:

We have grown up. Today we are together not only to ask questions, but also to speak and demand. This society is the offspring of silence and terror, and there is an attempt to spread a veil of oblivion over the history of our country. We are not bricks in this wall of silence. We want to pull it down. We need to know the truth of our histories to reconstruct our identity. [...] For us, reconstructing our personal histories is essential. But this necessity is not just ours. Recovering memory and knowing the truth is essential for society as a whole. The country must take responsibility for its own history. (H.I.J.O.S. 1995: paras. 4, 6)

Although the political agenda of H.I.J.O.S. was clear, several aspects were hotly debated in its early years. Bonaldi (2006a: 151–153) explains that some people left H.I.J.O.S. because they rejected the essentialization of the condition of children of the disappeared and family links, or their transformation into the “natural” and only relevant identity for their activism. Today, H.I.J.O.S. is composed of children of the disappeared, but also of any person who shares their political project. As two members put it, not opening H.I.J.O.S. to society “would have contradicted the claim that the dictatorship affected all of us”; “we are all children of the same history” (quoted in Ginzberg 2005). In fact, membership of

H.I.J.O.S. has always been fluctuating (Bonaldi 2006a: 149–150). The number of members involved has varied considerably as people joined the group and others left it, independently of the divisions within its ranks. For example, in the early years, there was much internal debate about whether the struggle against impunity should be extended to a whole range of socioeconomic issues and be more radical. Some of those endorsing this view formed an alternative and more radical organization called HIJOS.⁵

H.I.J.O.S. quickly became a high-profile political actor and a fully-fledged member of the human rights movement. Nevertheless, the agenda of social protest changed as the economic and financial crisis hit Argentina in 2001–2002, although H.I.J.O.S. was actively involved alongside other social actors. The election of Néstor Kirchner as President of Argentina in 2003 was a turning point for H.I.J.O.S. and the human rights movement as a whole. At the instigation of the president, the amnesty laws were repealed, and the state committed itself to supporting the struggle of the relatives of the disappeared. Although it represented a major achievement and one of its main demands, paradoxically it has been a major challenge for the human rights movement. Its struggle was against the dictatorship, and then against impunity in democracy. For this reason, memory was equated with resistance, and collaborating with the state was seen as entailing the co-optation of the movement. H.I.J.O.S. and other organizations had to decide whether they would collaborate with the state. A member of H.I.J.O.S.-Regional Capital⁶ explains:

We fight and we demand that our program become state policies, that's for sure, because we believe that this makes it more powerful and that this way we can get anywhere. . . provided we want it. But. . . On the fact that some of our demands become state policies, it will never be enough, never. And that's where the problem lies, isn't it? A danger that one ends up being misled, ends up, ends up. . . being co-opted. Maybe not, but there is a risk that it might happen, right? Being co-opted, when human rights are still violated every day. [. . .] [Working with the state?] It's difficult, it's difficult. But one has to do it, one really has to do it. [. . .] The issue is how one does it. We've always done it with propositions. . . We haven't just criticized, barked, rejected everything. . . in a quite impulsive way. Well, we believe that we have to get inside. Today the state is not ready to judge the armed forces. No, it's not ready? Well, here you go, this is the investigation. Right? That's the idea. You say, well, I articulate with the state, I will give some instruments to the state too so that it can become more powerful. Because. . . Because maybe you can't. . . we can't say that we want this or another state, or if we want a different state, capitalist, socialist. . . but what's certain is that our role here is to be able to strengthen certain instruments of the state that foster change for everyone.⁷

This shift in state policy has created a major division within the human rights movement. Since 2006, two separate demonstrations are convened on March 24 to commemorate the military coup. The most important human rights organizations (Madres de Plaza de Mayo Línea Fundadora, Abuelas de Plaza de Mayo, Centro de Estudios Legales y Sociales, H.I.J.O.S.) take part in one demonstration, while a second march is composed of various social movements, unions, student associations, and the entire spectrum of the Argentine Left. They demand the defense of all human rights and denounce their violations, from police violence to socioeconomic inequalities, and they criticize the Argentine government for failing to put an end to them.

The history of H.I.J.O.S. has been rather eventful. According to Bonaldi (2006b: 14–17), it is the *escrache*, the practice that made it a high-profile and controversial political actor, that helped H.I.J.O.S. overcome its various crises. The analysis of the evolution of the *escraches* in the following section also helps us better understand the history of H.I.J.O.S. insofar as they overlap to a large extent.

The *Escrache* as a Carnavalesque Denunciation of Impunity and Its Evolution

The *escrache* is a new form of doing politics and it goes hand in hand with a new aesthetic form, a new form of political participation. Because what we broke with is the traditional protest, the march, because the issue of an artistic alternative emerged along with the idea of getting theatre groups and *murgas* involved. And all are groups that are outside institutions as well. So in this sense it is a new way of combining art, politics, memory. (H.I.J.O.S. member, quoted in Colectivo Situaciones 2002: 37–38)

From the beginning, H.I.J.O.S. sought to rejuvenate the practices and discourses of the Argentine human rights movement through which the demand for memory, truth, and justice is expressed. Its idea was to make the presence and consequences of the past and impunity visible in Argentine society. To that end, H.I.J.O.S. invented a carnivalesque form of demonstration that also reflects its generational profile, the *escrache*.

The *escrache* illustrates how memory, truth, and justice are intertwined. For H.I.J.O.S., the population has to know how human rights were violated and what happened to the disappeared, but also who the murderers and their accomplices were. Therefore, denouncing impunity means tracking down all those who were involved in the repression, publicizing their identity, and showing how impunity, both legal and social, allows them to hide as anonymous members of Argentine society.⁸ In this way, H.I.J.O.S. seeks to obtain their *condena social* (social repudiation) so that they are no longer seen as neighbors or colleagues. By excluding them from their neighborhood and workplace, the goal is to transform these places into the jail that the state did not send them to (H.I.J.O.S. 2011).

The form of the *escrache* was developed over the years, and it became a highly ritualized carnivalesque demonstration. Its preparation begins several weeks or months before it is performed. Posters with the photo of the members of the dictatorship, their address and phone number, and their “curriculum” as individuals involved in the repression are placarded throughout the neighborhood, and flyers are distributed. The population is invited to join the *escrache* to show its rejection of impunity and to repudiate these criminals. H.I.J.O.S. developed its strategy to make impunity and its consequences visible with a group of artists called Grupo de Arte Callejero (Street Art Group). They have used some symbols of daily life and its codes to highlight what it conceals. For example, they have designed traffic signs based on the yellow rhombus used for warnings to signal that a murderer lives in the neighborhood.⁹ The reality of impunity is reinserted through conventional symbols in the routine of daily life to challenge its sense of normalcy and to suggest that impunity and the presence of criminals in neighborhoods is the concealed reality of postauthoritarian Argentina.

On the day of the *escrache*, the participants (H.I.J.O.S., members of other human rights movement and local associations, and anonymous individuals) gather near a well-travelled place. The atmosphere is lively as participants sing and dance *murgas*, a form of carnival music and dance typical of working-class neighborhoods in Buenos Aires. Sometimes

street theatre groups also perform short plays that poke fun at the dictatorship and the consequences of impunity.¹⁰ Both the spectacle and tension reach their climax when the demonstrators get to the home of their target. Sometimes the police wait for them and stand between them and the demonstrators, which is taken to demonstrate that the state still protects criminals. The participants link arms while one of them reads a short speech that explains the crimes of their target and demand that he or she should be sentenced. Some participants paint the pavement with the word murderer around his or her home and the police cordon, drawing a symbolic line separating the domains of justice and of impunity. The participants then throw red paint at the building to symbolize blood stains and to make visible the traces left by the dictatorship.

The targets of the first *escraches* were well-known members of the dictatorship. The goal was to attract public attention. The media immediately showed interest in H.I.J.O.S., and this interest was reciprocal (Bonaldi 2006b: 21). However, the strategy of maximum media exposure quickly backfired. In the late 1990s, police repression of the *escraches* kept increasing, and more and more of them turned into violent confrontations. It seemed that TV stations were interested primarily in the possibility that the *escraches* might turn into violent guerrilla warfare with the police, not in explaining, let alone promoting, the struggle of H.I.J.O.S. and the relatives of the disappeared. Press coverage became increasingly negative. H.I.J.O.S. was faced by a dilemma: While the carnivalesque performance makes a form of protest an exhilarating experience for the participants, these images are used by the media to suggest that these seemingly “irrational” behaviors by themselves illustrate the agendas of social movements. Over time, H.I.J.O.S. realized that the *escraches* had lost their expressive force and impact, especially as they were reframed by the media. According to Bonaldi, performing them had become “a sort of institutional inertia, an attempt to exploit as much as possible a practice that had given [H.I.J.O.S.] good returns” (2006b: 22). As a consequence, H.I.J.O.S. puts more emphasis on the preparation of the *escrache* than on the demonstration itself (Ginzberg 2005).

The other reason for this shift is the objective of the *escrache*, what H.I.J.O.S. calls *condena social* (social repudiation). Before every *escrache*, a long investigation is carried out to gather information and evidence about the individual who collaborated in the repression. In addition to military leaders, H.I.J.O.S. has sought to identify low-profile individuals in order to show the scope of both complicity and impunity, the lack of truth, and the necessity of justice. They go to neighborhoods to explain that a murderer lives amongst them and to get more information. This preparatory work is important in itself for it is seen as a way of fighting the paralyzing legacy of terror of the dictatorship that explains that Argentinians remained silent even after democracy was formally restored. H.I.J.O.S. organizes meetings with local associations and popular assemblies. They decide what to do and organize the *escrache* together. H.I.J.O.S. is not always welcome in every neighborhood however. But the idea is that by appropriating the *escrache*, then the neighborhood and a whole range of social actors, not just the relatives of the disappeared, appropriate and perform the *condena social*. “H.I.J.O.S. tells its public: we show you this happens; we will not solve it” (Benegas 2011: 26).

The number of *escraches*, which H.I.J.O.S. (2011) claims to be over 50 only in Buenos Aires, has kept decreasing over the years. In the first few years, an *escrache* was performed almost every month. The year 1998 was proclaimed by the newspaper *Clarín* “year of the *escraches*” (Bonaldi 2006b: 14), while only three *escraches* related to the struggle against impunity were reported in Buenos Aires throughout 2007. The article explains that H.I.J.O.S. now concentrates on the preparatory work in neighborhoods (Benegas 2011: 24). But this trend is in part the consequence of the new government’s stance. Since the amnesty

laws were repealed, the *escraches* may be seen as having lost their *raison d'être*. However, H.I.J.O.S. has also denounced the members of the judicial institution who hinder legal action against the members of the dictatorship. In April 2007, an *escrache* was performed against the President of the Argentine Criminal High Court, Alfredo Bisordi, and in November 2007 against Oscar Hermelo, the district attorney of the province of Buenos Aires who was recognized to have worked at ESMA, the Navy Mechanics School in Buenos Aires, an emblematic center of detention and torture during the last dictatorship, to administer the spoils of the repression.

The *escrache* has transcended H.I.J.O.S. The term now belongs to daily language in Argentina. A slang dictionary published by the Argentine Academy of Arts defines the *escrache* as a “popular denunciation of people accused of human rights violations or corruption that is carried out through such activities as sit-ins, songs, graffiti in front of their home or in public spaces” (quoted in Barcia 2003). Today, a whole range of groups not linked to H.I.J.O.S. claim to perform *escraches* to denounce whatever policy they oppose and to support their causes. Yet, very often these forms of protest have nothing to do with the carnivalesque demonstrations of H.I.J.O.S. and are acts of violence against individuals (politicians, businessmen, etc.). Meanwhile, some media have called such forms of protest, which have significantly increased in recent years, *escraches*. H.I.J.O.S. (2011) denounces their “bastardization” by the media. Thus, as the *escrache* was (claimed to be) re-appropriated by other groups, it was increasingly criticized in general. For example, *La Nación*, Argentina’s leading conservative daily newspaper, argues that there is no difference between *escraches* against the home of President Kirchner, Shell Oil Company, Ricardo López Murphy (President de la Rúa’s Minister of the Economy), or Alfredo Bisordi: “in the name of a progressivism which often its own supporters could not define, fascist demonstrations have been taking place throughout the country. How can one forget that in the territories under Nazi rule Jewish homes were marked—and *escrachar* is to mark?” (*La Nación* 2007). Similar arguments were made in February 2011 to criticize the inclusion of the *escraches* as a form of sociopolitical demonstration in a “Politics and Citizenship” module taught to secondary school students in Buenos Aires.

The *escrache* and the controversy surrounding it have been briefly described. The next two sections analyze them in more depth and assess how the *escrache* may contribute to the (re-)construction of democracy.

The *Escrache* as Spectacular Politics

The previous section explains that the *escrache* seeks to break the silence over the past and to make the consequences of impunity visible, illustrating how memory is understood as an active force in the present. The *escrache* is an ironic reversal of the strategy of the dictatorship. Instead of quick, covert operations against random targets, H.I.J.O.S. publicizes its demonstration several days in advance. On the day of the *escrache*, the demonstration moves very slowly, makes a lot of noise and invites neighbors and passers-by to join them and to look, instead of turning a blind eye. The carnivalesque punishment at the end of the *escrache* replaces murder and disappearance, and it is a powerful critique of both state terrorism and impunity in democracy.

For the participants, the *escrache* has several of the characteristics of the medieval festivals famously analyzed by Bakhtin (1968). It is an act of self and collective transgression, of satire and excess, in and through which prohibitions and inhibitions are abolished. The *escrache* is a democratic space through which the participants show and invert the social

relationships and norms regulating impunity in Argentina. But they are not the violent mob depicted in some media. As Benegas explains:

The performance makes the case for revenge, puts everything in place for it, and concretizes the struggle in a localized place and personalized case. But the *escrache* does not cross the boundary to inflict physical harm on the target person; it stops, literally, at the doorstep. Showing that they *could* but *will not* take revenge, the action becomes a statement on the identity of its agents. (2011: 26, emphasis in the original)

The *escraches* can be called spectacular owing to their carnivalesque aspect. But the idea of the spectacular may also be understood in a different, though not unrelated, sense. An explicit aim of the *escrache* is to constitute and empower the neighborhood and the wider population as agents (Benegas 2011). They are invited to redefine the boundary between what is accepted, normal, legitimate, and just, and what democracy defines itself against, a boundary that impunity has blurred. The drawing of this boundary is constitutive of the definition of both individual and collective identities and democratic politics, and it is what makes the *escrache* political in the sense outlined earlier in the article. This is important to understand that the *escrache* is not so much about naming and shaming, let alone dispensing justice, as it is about asserting power and defining identities. Here one may draw on Foucault's discussion of "*l'éclat des supplices*" (Foucault 2001: 41–83), which is translated as "the spectacle of the scaffold," for it stresses the intertwining of the visual and power. The similarity between the *escrache* and the public executions that Foucault discusses is that the former is a carnivalesque demonstration that nevertheless punishes, a practice of naming and shaming that marks its target so that he or she is seen and remembered by all. It "purges" the crime but "does not reconcile" (Foucault 2001: 44). Foucault argues that "not only do people need to know, but they also need to see with their own eyes," an idea that underlies the activism of H.I.J.O.S. Were the punitive ceremony not staged publicly, Foucault adds (2001: 69–70), it would be meaningless and would not terrorize. It is also as a spectacular ritual that Foucault analyzes executions by the sovereign, and its underlying political logic can be reversed in the case of the *escrache*: While these executions reaffirm sovereign power, such a ritual affirms the power of society, the victim of the crime, at the same time as it intervenes in the power relations that give the norm or the law its legitimacy and power (Foucault 2001: 59–61). Drawing on Foucault and calling the *escrache* a spectacular form of doing politics¹¹ allows us to highlight what is political about this practice beyond a stress on performance and the visual.

Drawing on the conceptualization of democracy and politics outlined in the first section of the article, the idea of a spectacular and empowering demonstration has been clarified. It allows us to go beyond the emphasis on participation that various analyses of H.I.J.O.S. also equate with resistance and democracy. What they ignore is the ethics embedded in the *escraches*, which is important to assess the extent to which they may contribute to the (re-) construction of democracy. The following section explores it, focusing in particular on the notion of justice that they both reflect and produce.

The *Escrache* as a "Parody of Justice"?

Somewhat provocatively, Lefranc (2002: 138) calls the *escrache* a "parody of justice." She refers to its carnivalesque aspects and claims that because the state is unable or unwilling to punish the crimes of the dictatorship, the *escrache* and the *condena social* are

substitutes for justice. While some commentators enthusiastically equate the *escrache* with resistance and/or democracy for this reason, it has also been argued that it dangerously blurs the boundary between popular mobilization and mob rule, or that it institutes an alternative system of justice, some form of extra-institutional popular justice. Insofar as it suggests norms and values that are *prima facie* at odds with the modern liberal-democratic tradition, the *escrache* has been compared to the activities of fascist groups and invited moral condemnation. However, the article explains that hasty normative judgment should not replace political and ethical critique, and this last section is devoted to the latter.

Early on, H.I.J.O.S. had to define its position towards the judicial system and state institutions. What is the relationship between the *condena social* and institutional justice? When H.I.J.O.S. was created, the amnesty laws prevented the prosecution of the members of the dictatorship. Justice was then equated with the *condena social* and was seen as an end in itself (Bonaldi 2006b: 19). The following speech was made during an *escrache* in 2000:

[T]he *escrache* has been and is a step towards justice. A justice founded on the conviction that genuine justice will not fall from the heights of power like a rotten fruit. A justice that understands that when crime is organized from the state, it falls on society to identify the criminals, judge them, punish them, chasing them even in their dreams. A justice by popular forces that neither forgets nor forgives state terrorism, the concentration camps, torture, death flights, abducted children even though some keep talking about reconciliation. (reproduced in Colectivo Situaciones 2002: 45–46)

A previous section explains that the repeal of the amnesty laws created divisions about the strategy to adopt and that the debate about the ultimate objective of the *escrache* resurfaced. The view of H.I.J.O.S. today is that the *condena social* should not be opposed to institutional justice. A member of H.I.J.O.S.-Regional Capital explains:

We believe that the *condena social* is functional to “trial and punishment”. We construct the *condena social* in order to obtain “trial and punishment”. We don’t think of popular courts or anything like that. We wager on justice, I mean, bourgeois justice, a justice that does not represent us, a justice that on several occasions was an accomplice of the dictatorship, of the genocide. . . . But a justice that is. . . that maybe isn’t what we want it to be but yes, that we want to change so that it is truly justice. So the *condena social* and “trial and punishment” go hand in hand, they feed each other. [. . .] Just think that in here there were [the laws of] Due Obedience and Full Stop, and society. . . absent, as it was during the genocide, looking the other way, the majority of society, I’m not saying all of them, right? Really a lot of people were involved. Today [the demand for justice] is self-sustaining thanks to our struggle, today we can tell this history because we have fought, because we have produced an awareness. [. . .] Today we articulate the *escrache* in relation to “trial and punishment”. Before it was. . . it was only about producing the *condena social*. Today we articulate it in relation to “trial and punishment”. That’s what I was telling you about the fact that we went to *escrache* the Criminal High Court. That’s so that the trials can truly continue.¹²

Today, H.I.J.O.S. is indeed particularly involved in the trials for human rights violations during the dictatorship. It assists the victims and organizes campaigns to give the trials maximum publicity. It has criticized the slow pace of justice and the lack of witness protection since Julio López, a former disappeared and key witness in a high-profile trial, disappeared in September 2006 as he was about to give his final testimony in court. Finally, H.I.J.O.S. has expanded the list of its targets because

the dictatorship was not a matter of four crazy military officers, but it was orchestrated by economic groups. And that's the most difficult part of the process, being able to put in the dock those who accumulated wealth under the dictatorship and orchestrated it, major companies such as Mercedes Benz and Ledesma,¹³ major media like *Clarín* and *La Nación*. And also judging the complicity of high clergy with the military. (Carlos Pisoni, of H.I.J.O.S., quoted in *Página/12* 2011)

Although H.I.J.O.S. claims that the *condena social* is functional to institutional justice, this does not exhaust how it understands justice. H.I.J.O.S. does not reject the judicial system and democracy as a set of institutions: They want them to be reformed so that they can fulfill their function. Therefore, their value and legitimacy are acknowledged. Indeed, H.I.J.O.S. acts in their name insofar as it appropriates their claim to legitimacy and their language. It is thus also a demand of state power, though not submissive to it. It is a struggle to negotiate the respective power and legitimacy of state and civil society to define norms and identities. Yet, the *escrache* suggests that there is another dimension to justice that institutions cannot fully appropriate or generate. It is acknowledged that justice is irreducible to the law, that politics should not be reduced to the juridical, just as democracy is more than a system of representation. It is in this light that one should read the claim by a member of H.I.J.O.S.-Paris that the *escrache* is

a different idea and practice of justice, opposed to formal justice. In the *escrache* justice depends not on the institution that incarnates it but on the action that produces it. What is just is not founded on either an institution, or a norm, or (positive) law, but on the concrete practice of justice. [The *escrache*] is a new way of understanding democracy. (Stirnemann 2002: 2)

For H.I.J.O.S., justice is part of a wider political vision that is much more than a rejection of impunity and encompasses the defense of all human rights. The demand of the *escrache* is utopian: “‘*si no hay justicia, hay escrache*’ [. . .] does not demand anything, in a way it sounds to me like ‘*aparición con vida*’, which does not demand anything either. [. . .] But it's a bit like that, demanding something impossible” (H.I.J.O.S. member, quoted in *Colectivo Situaciones* 2002: 41). No institution or practice can claim to incarnate justice, they will always fall short. But this gap is not a defect to eliminate; it serves as an impossible promise that permanently questions the present and calls for political mobilization, and it is one of the reasons why several organizations have refused to support the state since the amnesty were repealed. Such an understanding of justice is an essential component of agonistic democracy insofar as it inscribes within society a political and ethical commitment to permanently question itself. In addition, it accounts for the force of the demand for justice and the wider struggle for human rights. According to Di Paolantonio (2004: 359–361),

impossible to completely fulfill, the promise of justice has been “a constitutive force capable of being called up to point out what is lacking in the present” and “a resource for political contestation.”

Analyzing the notion of justice underlying the activism of H.I.J.O.S. also highlights how politics and ethics are intertwined. One slogan of H.I.J.O.S. that is also shared by groups of the relatives of the disappeared in Argentina is said by critics to epitomize their genuine and not so virtuous motivations. H.I.J.O.S. claims “*no olvidamos, no perdonamos, no nos reconciliamos*” (we don’t forget, we don’t forgive, we don’t reconcile). A member of H.I.J.O.S.-Regional Capital clarifies what they mean as follows:

We don’t forget because remembering is the fuel for future struggles. We don’t forget because if we did we would acknowledge that the enemy won, that she wanted it to be forgotten, wouldn’t we? [...] If we don’t want that to happen ever again we can’t forget. To forgive? No, because we are not those who might forgive, our parents are but they are no longer here to do it. I am not going to have the audacity to forgive on behalf of my father. And then reconcile? It’s impossible, it’s impossible because... We think they have to reconcile themselves with history, with this country, with society. They have to say where [the disappeared] are, they have to say what they did, where our brothers and sisters are, don’t they? They have to tell us the truth that we’ve come to ask for. So we are not those who have to reconcile, they are. They have to reconcile with society, they have to really account for what... They won’t do it, that’s the problem. So no reconciliation is possible. They won’t do it.¹⁴

These words should warn against equating the slogan of H.I.J.O.S. with a desire for vengeance. Their refusal to forget is similar to the commitment to “never again” with which memory is associated in postconflict societies. But it also echoes the understanding of justice as always incomplete. It thus transforms memory into a call to mobilize to defend all human rights in the present. Like justice, it is a utopian promise. As for the notion of reconciliation underlying these words, it is reduced to a form of acknowledgement that, although it may involve more than telling the truth about the past, does not amount to asking, let alone being granted, forgiveness.

Argentina raises the question of how a society can remember when, despite criminal prosecution of the perpetrators, the number of disappeared will remain only an estimate, some aspects of the repression will never be fully known, and most perpetrators keep showing no remorse for their crimes—in short, when both memory and justice remain partial and incomplete. The point is not to make a case for reconciliation as either amnesia or forgiveness. The word is banned from its political vocabulary by the Argentine human rights movement. Because it was used primarily by President Menem when he granted pardon to the leaders of the military juntas and is still used by those groups that are reluctant to have their past examined, reconciliation is equated with impunity and collective forgetting. Reconciliation, however defined, and despite its much-celebrated achievements in different contexts, should not be promoted as a normative goal too quickly.

Nevertheless, the ethical question of the (re-)construction of democracy should not be discarded at the same time, and it requires going beyond the celebration of the resistance of the relatives of the disappeared against impunity and these forms of reconciliation. Rather, drawing on agonistic theories of democracy, it is important to reflect on what the *condena social* entails *politically*. In particular, by challenging impunity, H.I.J.O.S. seeks to undermine the “friend/enemy” logic of the dictatorship so that Argentine society defines

itself no longer against “subversives” or those who question impunity and its consequences, but against those involved in the repression and who have not been prosecuted. Nevertheless, by reversing rather than challenging this logic, it may only perpetuate dichotomous thinking and the construction of identities in terms of “good vs. evil” (Lefranc 2002). In a provocative book, Malamud Goti (1996) criticizes the Trials of the Juntas in 1984 for a similar reason. Himself one of the architects of these trials, he recognized that, through the mainly individualistic moral and legal concepts of blame and responsibility, the past and present politics have been reduced to a struggle between friends (innocent) and foes (guilty), thereby perpetuating a logic that was instrumental in legitimizing the military coup of 1976. Insofar as the *condena social* is associated with an essentially moral register (*condena social* and *condena moral* are sometimes used interchangeably), it may limit the repoliticization of the debate about the past and, from an agonistic democracy perspective, hinder the (re-)construction of democracy. Besides, it is worth considering the implications of the practice of naming and shaming for, although it is instrumental to institutional justice, it remains a separate form of punishment and stigmatization that formal justice does not erase or replace. One of the issues that has not been addressed in particular is the extent to which the *condena social* may be, or should be, a form of “reintegrative shaming” (Braithwaite 1989). Indeed, the concept of justice underlying the struggle for memory, truth, and justice in Argentina does not include such a restorative dimension. Asking these questions does not challenge the legitimacy of the struggle of H.I.J.O.S., and neither is it a defense of reconciliation. They are important ethical questions that require clarifying what is understood by democracy and its (re-)construction.

Conclusion—Memory for the Future: Agonistic Politics and Remembering the (Re-)Construction of Democracy

This article has analyzed H.I.J.O.S. and its struggle for memory, truth, and justice. It has warned against equating memory and the struggle against impunity with both resistance and democracy. Drawing on agonistic theories of democracy, it has outlined a critical framework to analyze commemorative practices and discourses that highlights what is political about them, and invites us to reflect on the ethics that they reflect and promote. The framework was applied to H.I.J.O.S. and the *escraches*, and their celebration as a form of resistance was criticized. The article highlights some of the tensions of the politics of memory that need to be understood in the context of the task of reconstructing democracy as it is redefined by agonistic democracy. In this way, the conclusion reasserts the importance of exploring the relationship between memory and democracy.

Focusing on the political and ethical dimensions of democracy, agonistic democracy is not a normative defense of reconciliation as closure. While reconciliation has become a sort of regulative ideal in political discourse and policy, agonistic democracy understands coming to terms with the past as a political task whose content and objectives should remain essentially contested, and may not be those of eliminating disagreement about the past or the construction of a common memory, both factual and normative. Yet, the task of constructing democracy is what defines these theories, and for this reason their insights may be relevant to rethink how postconflict societies deal with it. In his work, that is at the same time an engagement with agonistic theories of democracy, Schaap (2005, 2006) explicitly addresses this question.¹⁵ His ambition is to shed new light on the issues that reconciliation encompasses and to define them *politically*, in particular by freeing reconciliation from the depoliticizing language of restorative justice that draws on theology, economics (perpetrators have debts to victims and societies), psychology

(a trauma in the body politic that needs healing), or medicine (soothing old wounds). He argues that

in order to conceive reconciliation politically, we need to reverse the order of our moral thinking. Instead of being initiated by recognition of the moral truth of wrongdoing and proceeding from that towards the restoration of a community, political reconciliation begins with the invocation of a “we” that is not yet, in terms of which it seeks to realise a shared understanding of what went before. While the aspiration for reconciliation conditions the possibility of politics in the present, any ultimate reconciliation itself in the future is a political impossibility. (Schaap 2005: 6)

It is impossible since “any final reconciliation [...] would entail overcoming contingency and plurality, which are the enabling conditions for a reconciliatory politics” (Schaap 2005: 77). Thus, while restorative justice tends to represent past conflicts as “already communal” by presupposing a community to be restored, the politics of reconciliation is precisely about the definition of a “we,” identification, and belonging (Schaap 2006) that are the contingent achievement of political practices in the present.

Schaap’s work is a political theory of the (re-)construction of community in divided societies, and it tends to neglect what Schaap refers to as the always unfinished “task of remembrance” (2005: 124–137). More thorough empirical analysis may enrich these reflections about “political reconciliation,” and through H.I.J.O.S. and the *escraches*, the article has shown how agonistic theories of democracy can help us analyze a wide range of commemorative practices and illuminate the “task of remembrance,” stressing in particular what is political about them and how they may contribute to the (re-)construction of democracy. Yet, fundamentally, by rethinking and connecting the politics and ethics of memory, the focus is not so much on the question of dealing with the past as on the (re-)construction of democracy. This is why exploring the relationship between memory and democracy is important. Indeed, if H.I.J.O.S. reminds us that remembering is as much about the past as it is forward-looking (Gutman et al. 2010), it should not be forgotten that the future that memory struggles and commemorative practices envision is a *democratic* future.

Notes

1. On these military uprisings, see Norden (1996).
2. I criticize elsewhere the analysis of commemorative practices in postauthoritarian Argentina as a form of resistance (Druliolle 2011).
3. For a sample of important texts, see Wolin (1994), Tully (1995), Mouffe (2000), Connolly (2005), Norval (2007), and Schaap (2009). For a useful overview of the similarities and differences between theories of agonistic democracy, see Wenman (2003).
4. As Norval points out, “the lack of attention given to the need to institutionalize democratic arrangements [...] is a direct, although not necessary, consequence” of the exclusive focus on the political as the moment of disruption and contestation. Agonistic democrats need to “[overcome] the false dichotomy between consensus and contestation at the level of actual democratic practice” (2007: 54–55).
5. By using the same acronym but without periods, they contested the legitimacy of H.I.J.O.S. and its political program and stressed their autonomy from the national network. HIJOS ceased to exist in the mid-2000s.
6. There are several H.I.J.O.S. throughout Argentina. H.I.J.O.S.-Regional Capital is the organization in the country’s capital and belongs to the national network.

7. Interview with the author on May 11, 2007.
8. Although the term *escrache* comes from a slang of Buenos Aires (*lunfardo*), different ideas of the verb *escrachar* are emphasized, from uncovering, bringing to light, or revealing something hidden, to repudiating or crushing. See also Barcia (2003).
9. For a sample of the traffic signs designed by Grupo de Arte Callejero for the *escraches*, see <http://www.flickr.com/photos/gacgrupodeartecallejero/sets/72157623100919600/>.
10. The Argentine theatre company *Etcétera* illustrates how parody and demand for justice are intertwined in the *escraches*. See some of its work at <http://www.youtube.com/watch?v=LgYsaCLxo.k>.
11. The translation “the spectacle of the scaffold” misses some connotations of the French *éclat* that I find important to make sense of the *escrache*. While it means both a (glittering) visual aspect and its radiance, it is also a (dramatic) burst, in various contexts. This connotation is important for Foucault who uses the French *faire éclater* to express the idea of destroying or undoing, and/or dramatically exposing or bringing to light.
12. Interview with the author on May 11, 2007.
13. The company Ledesma is Argentina’s main sugar and paper producer. On July 27, 1976, the power was cut in its plant in Jujuy while security officers of the company kidnapped over 400 workers, students, and professionals, some of whom were tortured in the sugar refinery’s warehouses and are still missing.
14. Interview with the author on May 11, 2007.
15. In addition to Schaap’s work, a stimulating contribution to the analysis of the challenges facing postconflict societies and the politics of reconciliation by agonistic theory is Hirsch (2012).

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