On (Not) Coming to Terms with the Past: Forced Disappearance, Social Catastrophe and the Different Uses of History in Argentina

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On 1 August 2017 Santiago Maldonado, a young artisan and tattoo artist, vanished in the midst of a crackdown by the national Gendarmerie on a Mapuche community in the south of Argentina. Soon after, his disappearance became a theme of national anguish and debate. While seemingly quite different from forced disappearances carried out during the last civil-military dictatorship in Argentina (1976-1983) this case has been inscribed in the ongoing debate about the possibilities and implications of coming to terms with the past. In this paper I explore the different social, political and legal processes that followed in the wake of Maldonado’s disappearance. Through the case, I consider the power of human rights discourse in the country as well as the rise and institutionalization of an alternative narrative advanced by the right-leaning political elite. Ultimately, I show that the assumptions underlying transitional justice mechanisms, specifically, the possibility of handling the past to such an extent that it can be “put behind” and “overcome” are flawed.

Where is Santiago Maldonado? The question, along with the photographic portrait of the disappeared 28-year-old artisan and tattoo artist, seemed to overflow the perimeters of the Plaza de Mayo on the afternoon of 1 September 2017. Exactly a month after he had last been seen in a protest that turned violent in the southern province of Chubut, in Argentina, Santiago Maldonado’s fate was still unknown. That afternoon, the crowds gathered in the central plaza in downtown Buenos Aires demanded his reappearance – a demand they had first made ten days after his disappearance and one they would make again two months after that same event (Masiva Marcha en Plaza de Mayo). Maldonado had been seen last during a violent encounter between the Mapuche Pu Lof community in Cushamen and the Gendarmerie. At the time, the community had been struggling to reclaim ancestral lands bought two years earlier by the Benetton Group and violent encounters were frequent. On 31 July and again on 1 August 2017, the Gendarmerie attempted to disperse a roadblock erected by the community. Using stones as well as rubber and lead bullets to break up the protest, they pursued the demonstrators towards the River Chubut and into their own territory. In that chase all contact with Maldonado was lost (Di Nicola).
According to at least one testimony, Maldonado attempted to cross the river with the rest of the protestors but decided under the hail of bullets and stones to return to the bank (Goldschmidt). There, one of the protestors saw him hold onto a branch while a few gendarmes were gathered around him; another saw a few gendarmes beating someone, although he could not identify the victim. And others provided testimony that soon after the beating a few gendarmes stood in a line blocking the view of the fugitive demonstrators while a white van approached, later driving away towards Esquel, the central city in the region (Smink). Those who gave testimony had no doubt: The Gendarmerie took Santiago. But did they? And if they did where was he now?

Using the case of Santiago Maldonado’s disappearance, this article aims to interrogate the ways in which violent practices, state repression of demonstrations and forced disappearances are interpreted in Argentina many years after the fall of the dictatorial regime (1976–83). I argue that, in many cases, violent acts and human rights abuses taking place in the present are both inscribed into established narratives and, at the same time, recall and make present (latent) meaning-making mechanisms that were developed during and following the dictatorial rule. In so doing, they highlight the continued existence of opposing interpretations of the past as well as incompatible views of society, the state and their interrelationship. The ongoing and continued existence of these varied, opposing views raises questions about the consensus underpinning the idea that by dealing with the past through, for example, the application of the transitional justice toolkit or state- and citizen-led memory practices, social cohesion and democratic norms can be ensured (Murphy; Elster, “Coming to Terms with the Past”; see critique of the term and underlying assumptions in Hinton 6–9). Instead, what I show is that the widespread practice of forced-disappearance challenges the possibility of ever fully reckoning with the past. At the same time, I claim that while different narratives and violent practices persist, democratic structures and forms of social solidarity have grown and gained strength since the fall of the regime. In this way, I offer an alternative reading to a recent critique of Argentine memory politics (Robben, “From Dirty War to Genocide”) which has claimed that memorialization and the continuous narration of the past is reviving repressive practices and intensifying animosity between different groups in the country.

Activating doubt
Rumours, fragments of narratives and many questions circulated about Maldonado in both mainstream and alternative media outlets throughout late winter 2017. The Minister of Security, Patricia Bullrich, initially stated that there was no indication that the Gendarmerie had a hand in Maldonado’s disappearance. In fact, she added, we cannot be sure that Maldonado was in Pu Lof departamento de Cushamen when the operation in question took place (Sáez). Hers was only one of the many queries and doubts raised about Maldonado’s whereabouts; others included, for example, a suggestion made early on in Clarín, the widely circulated and popular newspaper, that Maldonado had agreed to go underground (pasar a la clandestinidad) so as to contribute to the resolution of the case of the arrested Mapuche leader, Facundo Jones Huala. Another rumour, sustained by the hypothesis of the attorney general in Esquel, was that on 21 June when a group identified as RAM (Resistencia Ancestral Mapuche) tied up the worker Evaristo Jones and burnt the stall of the Benetton estate, Evaristo

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1 For instance, Hinton notes of the assumptions underlying legal processes: ‘the trial produces the category of liberal democratic, rights-bearing citizens who are simultaneously safeguarded and regulated by the “rule of law”’ (8); and Nagy in critiquing the scope of transitional justice states that ‘it bridges a violent or repressive past and a peaceful, democratic future. Notions of “breaking with the past” and “never again” […] mould a definitive sense of “now” and “then”’ (280).

2 The subtitle to this section makes reference to an online newspaper article, see Sáez “Santiago Maldonado: militando la duda”, 31 August 2017.
had defended himself with a knife, wounding one of the attackers in the process. The victim could have been, or so it was claimed, Santiago Maldonado, who had then either died or had been moved to Chile through a clandestine passage.\(^3\) Other misleading clues and traces included a report about a backpacker in Mendoza, a province to the north-west of Chubut, who resembled Maldonado, and a rumour based on footage from a security camera that was located in the Entre Rio province just north of Chubut, which showed a young man with similar features and build to Maldonado, thus placing him far away from the violent encounter in the Pu Lof community.\(^4\) These and many other stories that circulated in both official sources and on social media set the stage for Elisa Carrió, a prominent congresswoman and past presidential candidate, to state, almost two months after the disappearance, that there was ‘a 20% chance that Santiago Maldonado was in Chile’ (CELS, 9).

**Maldonado is a disappeared (Maldonado es un desaparecido)**

While many official and unofficial statements raised doubts and refuted the possibility that Maldonado had been forcibly disappeared by the Gendarmerie, the reactions of human rights organizations (HROs) and laypersons fashioned a different story. A day after Maldonado was reported to have disappeared, a number of petitions of *habeas corpus* were filed in the courts, and only three days later CELS (Centro de Estudios Legales y Sociales), along with Maldonado’s family, requested urgent action by the UN’s Committee against Forced Disappearance (CELS). The Committee, in response, issued an official request to the Argentine state that it exhaust all possible means of investigation. Meanwhile, demonstrations were held and Maldonado’s face began appearing on murals, on the façades of buildings and walls across the city of Buenos Aires (see **Figure 1**) as well as on Facebook pages, often accompanied by the question: ‘I am X. I am at home, and I wonder: Where is Santiago Maldonado?’

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\(^3\) This hypothesis was discarded when a DNA analysis of the blood found on Evaristo’s shirt did not match the genetic profile of the parents of Santiago Maldonado. The Mapuche live on both sides of the border between Argentina and Chile and experience repression and exploitation on both sides (Lenton).

\(^4\) Watching this video on television, a local artist had recognized himself, later publishing a note about it on his Facebook page (*Cosecha roja* “Maldonado y los focus groups”, 6 September 2017). http://cosecharoja.org/focus-santiago-pistas-falsas/.
The question, of course, was not naïve; rather, it was a response to the many resonances the case had with forced disappearance, a crime that was carried out on a large scale during the last civil-military dictatorship. These resonances include: state violence, official denial and the sowing of extreme doubt by state agents. To these were added repeated rumours spread through many media sources that the event never took place, the public questioning of Maldonado’s motives and the adulteration of visual and material evidence in the case. In other words, Maldonado’s disappearance jolted local memory and collective imagination and brought people face to face (once again) with what Gabriel Gatti terms ‘the catastrophe’ – a concept I expand upon below (Surviving Forced Disappearance 15).

In what follows I elaborate on some of the social, political and legal reactions to Santiago Maldonado’s disappearance, as a way to consider what it might mean to come to terms with a difficult past. My rather simple claim is that the liberal consensus underpinning the idea that violent legacies can be overcome if only the appropriate tools – for instance, truth commissions or judicial accountability measures – are used, is flawed (see Elster, Closing the Books Transitional Justice in Historical Perspective; Roht-Arriaza & Mariezcurrena; Teitel). In fact, what I show is that long-term and entrenched patterns of thought, speech and behaviour among pro-human rights groups as well as among populist right-leaning groups repeatedly emerge in different guises many years after the regime’s fall and in what may seem like unrelated contexts. But instead of brushing these repetitions aside, I want to show how they are in fact, an integral part of the construction of truth, memory and justice in a post-dictatorial (transitional and post-transitional) setting.5

Forced disappearance as a social catastrophe

One of the key components in the workings of the repressive apparatus during the last dictatorial rule in Argentina was forced disappearances. Disappearance – a hallmark of state terrorism in Argentina6 – took place both in broad daylight and under the cover of darkness. It consisted of the abduction of individuals and their transfer to clandestine detention centres where they were held captive for months and sometimes years (Calveiro; Crenzel, “The Memories of the Disappeared in Argentina”). In these clandestine centres, the detained-disappeared lived in inhuman conditions. They were tortured physically and psychologically and many died when they were thrown alive from aeroplanes into the River Plate (Verbitsky). Others were assassinated by other means and their bodies were deposited in unmarked graves. The practice of forced disappearance began before the rise of the dictatorial rule but with the coup it became a prominent feature of the dictatorship’s Process of National Reorganization (Schindel 36–43; Novaro & Palermo 51–93). Its key elements, which included the elimination of the enemy, silence and denial of the acts, and the spreading of terror and fear through the random and secretive nature of those same acts, created a climate of self-censorship, a strong and widespread feeling of distrust in state institutions and in social relations, as well as a deep questioning of truth and reality (Caviglia; Crenzel, “La victima inocente”).

This legacy of the dictatorship and particularly the practice of forced disappearance created what Gabriel Gatti, a prominent sociologist and himself the son of a forcibly disappeared

5 For some very incisive and, I believe, well-founded critiques of the transitional justice framework, see Leebaw; Gready & Robins; Lundy & McGovern; Sharp. While in this paper I do not engage directly with these works, they have all informed my thinking about the Santiago Maldonado case and the long process of confronting the past in Argentina.

6 The practice has been used widely in the Southern Cone of Latin America as well as elsewhere, for example in Algeria, Sri Lanka, Vietnam and more. The disappeared has now become a transnational figure, as Gatti demonstrates with a focus on the Spanish case (see Gatti, “The Detained-Disappeared” 519–36; Gatti, “De un continente al otro”).
person, terms a ‘social catastrophe’, by which he means that in social situations marked by extreme violence, the conventional relationship between social reality and language breaks down: words are disarticulated from things and meanings from facts (Gatti “The Detained-Disappeared”). Building on extensive close and wide-ranging scrutiny of testimonies from survivors of clandestine detention camps and examination of the social worlds of family members and others affected by the dictatorial rule both then and now, Gatti claims that the crime of forced disappearance created a figure – the disappeared – that is neither alive nor dead, and a condition that is best described as ‘permanent exception’ or a ‘permanent state of mourning’ (2). The catastrophe, he goes on to explain, is the incarnation of this liminal figure and is ‘distinguished from trauma in that it is impossible to fix; it is different from an event in its duration. And like trauma and events, even if it seems impossible, it is characterized because in it life and meaning are created and contained’ (Gatti, Surviving Forced Disappearance in Argentina and Uruguay Identity and Meaning 16). In other words, the disarticulation of words and meanings was consolidated and turned into a structure, thus becoming the building blocks for Argentine reality today. At the same time, it is through and in the context of this catastrophe that life (as well as meaning) still goes on (16). As I will shortly show, this catastrophe could serve to explain some of the social and official reactions to Maldonado’s disappearance.

Let us return for a moment to the winter of 2017, when, only a few short hours after contact with Santiago Maldonado had been lost, the term ‘disappeared’ first made its appearance in the public sphere in relation to this case. At first, the family and the Mapuche community that organized the protest suspected that Maldonado had been arrested; consequently they reported that he had taken part in the demonstration and had since disappeared. Soon after, HROs learnt of the event. Using their prior experience in cases of repression and arrest, and aware of the strong impact that public pressure can have in such investigations, they began their work guided by two parallel strategies: first, making the case known and visible in the public sphere so as to generate a large public response and pressure; and second, using their local and international standing to force the state into acting fast and investigating the disappearance (CELS, 2). The first public demonstration, which took place on 11 August 2017, incorporated a few elements from historical demonstrations, including the weekly rounds of the Mothers of the Plaza de Mayo (Madres) that had first begun over forty years earlier. Like the Madres, many of the demonstrators demanded aparición con vida (‘bring him back alive’) while holding up placards with Maldonado’s photo (see Figure 2). Sergio Maldonado, Santiago’s brother, who soon became the familial face of the struggle for truth and justice, had a placard with Santiago’s picture hanging round his neck, just like those that some of the Madres have been carrying for years.7 As I will illustrate in what follows, other symbolic references and associations between Maldonado and those forcibly disappeared during the dictatorship emerged in the days and weeks that followed.

One thing to notice in these social reactions to Maldonado’s disappearance is the widespread support that the family received in the days and months after the event. By contrast with the silences and the broken relationships that forced disappearances prompted during the period of dictatorial rule, no sooner had the case become public than many were emboldened to stand in solidarity with the victim and his family. This was not an easy stand to take, not least because the government did everything in its power to question Maldonado’s

7 This demand to bring the disappeared back alive has been maintained by one faction of the Madres to this day (Asociación Madres de Plaza de Mayo), while the other faction still carries photos of their disappeared sons and daughters (Madres Línea Fundadora), for further discussion of the difference between the two factions of Madres, see van Drunen (63–4).
disappearance and the Gendarmerie’s involvement in the act, and more broadly, to cast aspersions on the young artisan’s life choices and his motives for protesting with the Mapuche community (CELS).

In the first few weeks, the approach of the executive power was threefold: first, as mentioned earlier, it issued public statements suggesting that Maldonado had not even been in the area at the time of the Gendarmerie’s crackdown. Second, it publicly denied the event. The Gendarmerie refuted the claim that it was holding Maldonado and provided evidence, which as a number of newspaper articles revealed, had in fact been tampered with. Specifically, there were indications that the cars used in the protest were cleaned up before any evidence was collected from them and that film recordings from the site were adulterated (Jastreblansky & Di Nicola). Ten days after the disappearance, the Minister of Security Patricia Bullrich vehemently defended the Gendarmerie’s activities and stated: ‘We are clear that this has not been a forced disappearance and that the Gendarmerie did not arrest Santiago at that place or in any other place’ (Patricia Bullrich, 11 August 2017). A few days later, she noted that it would be easy for her to offer up a head (i.e. a scapegoat) but her aim is to ‘change the political culture of the country’ (Caso Maldonado para Patricia Bullrich, 31 August 2017). She continued fending off any accusations against this national force throughout the seventy-eight days of Maldonado’s disappearance. The third tactic was to carry out a slow and inefficient investigation. This was possible in part because, as had soon become evident, the investigative judge in the case was neither independent nor impartial. He did not follow up leads, neglected to investigate or confiscate significant evidence such as cell phones and objects found at the scene of the crime. Over a month after the disappearance, and following his public suggestion that Maldonado had drowned (although there was no evidence in support of the statement), the judge was replaced (Meyer).

The three tactics I mention here echo some of the responses to forced disappearance under the dictatorial rule. During the early years of the dictatorship, when family members

![Figure 2: “Where is Santiago Maldonado?” Photo by author, 1 September 2017, Plaza de Mayo, Buenos Aires.](image)
of the disappeared began their search they were told that their loved ones were in Europe or had fled to other parts of Latin America to avoid retribution from their own political and armed groups (Robben, *Political Violence and Trauma in Argentina* 282–91). Once the regime acknowledged forced disappearances, the ‘subversives’ were ‘described as violators of the law [...] and portrayed as foreign and alien to the territory, history and national character’ (Crenzel, “The Memories of the Disappeared in Argentina” 279). This approach coincides with the next steps in the official and unofficial response to Maldonado’s disappearance, which included, on the one hand, an attack on the Mapuche community; and on the other hand, a harsh interpretation of his life choices.

The Mapuche, like other indigenous groups in Argentina, have been suffering repression, exploitation, silencing and exclusion for many decades (Delrio et al.). However, their struggles rarely appear in mainstream news. In the context of Maldonado’s disappearance and the impressive social response that the case generated, the Mapuche’s struggle for their lands became an important dimension of the case. The Mapuche were portrayed as outsiders, Chileans in most cases, and terrorists promoting secessionism in the region (Lenton). Moreover, in one of her frequent declarations in the media, the Minister of Security claimed that the group led by Facundo Jones Huala, the Mapuche leader whose release the protest on the 1 August 2017 had demanded, was being financed by an English organization to carry out their territorial disturbances (‘Declaraciones Patricia Bullrich: “La RAM esta financiada’”). These accusations echo similar claims made by the dictatorial rule about the detained disappeared who were considered terrorists and communists working from within the state to undermine Argentina’s Christian-Western foundations (Robben, *Political Violence and Trauma in Argentina* 180, 185).

Adding another layer to these resonances between past and present were Alfredo Astiz’s final words to the court in one of the largest trials of crimes against humanity held in Argentina in recent years. Two months after Maldonado’s disappearance, Astiz, an emblematic perpetrator of human rights crimes during the dictatorial regime, associated the struggle of the Mapuche with the armed (guerrilla) struggles of the 1970s. Claiming that the Mapuche fighting to reclaim their lands were terrorists and secessionists (i.e. they wanted to declare independence from local government and nation alike) (Bullentini), he went on to argue that their protests and political activities were simply another chapter in the long war on terrorism, a war that could never be won and one which he and his comrades (many of whom were behind bars) had been fighting for years in the name of the *Patria*. This statement, alluding to Maldonado’s disappearance, highlights the ways in which the past resonates and reverberates in current events.

Maldonado’s chosen lifestyle also fits nicely into this scenario of repetitions and reverberations. Unlike many middle-class Argentines, he chose not to settle down but to travel and interact with people and moral causes he believed in. His work as an artisan and tattoo artist also served to position him on the margins of society. These aspects of his lifestyle and personality were highlighted soon after his disappearance and used in some media outlets and social networks to cast aspersions on his actions (Galar & Focás). Parallels can again be drawn between the depiction of the disappeared by the regime and the depiction of Maldonado in some media outlets. More specifically, during the dictatorial rule the disappeared were portrayed as violators of the law who were undermining the moral foundations of Argentine society (Crenzel, “The Memories of the Disappeared in Argentina” 280). In this context, a frequently repeated phrase under the dictatorial rule – *Algo habrá hecho* (‘they must have done something’) – resonated in Maldonado’s case when similar subtle claims could be heard.

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8 See also https://www.youtube.com/watch?v=jp9yWfglez70.
in some of the media coverage both about his life choices and regarding the choice of the Mapuche demonstrators to cover their faces so as to prevent possible identification and subsequent targeted repression.

While I have suggested so far that there are reverberations and repetitions of the country’s recent past in the present, I am not claiming that the forced disappearance of an estimated 30,000 during the period of the civil-military dictatorship is the same as the disappearance of Santiago Maldonado in a violent encounter with the National Gendarmerie. My point in highlighting these reverberations is rather to consider what they might tell us about the underlying assumption that violent pasts can be ‘dealt with’ and that a society that has experienced mass human rights violations can ‘come to terms’ with its past.

For close to four decades since the fall of the regime, Argentines have been exploring different paths to reconstruct the social fabric and reconstitute democratic structures in the aftermath of the dictatorial rule. During this period (and even earlier, under state terrorism), human rights activists and a growing part of the population have been demanding memory, truth and justice in the face of denial and insurmountable bureaucratic and legal challenges. Through creative and innovative tactics, they have managed to turn Argentina from a pariah state into a global protagonist in the struggle for truth and memory (Sikkink). In this context we might mention, for example, the ongoing trials of crimes against humanity that are investigating the repressive apparatus and offering judicial accountability after years of silence and denial (see Crenzel in this collection; Vaisman & Barrera). Similarly, we could note the dramatic public support that many human rights causes have received in recent decades. These include cases of other forcibly disappeared persons under democracy, such as the emblematic case of Jorge Julio López, a key witness in one of the earliest trials of crimes against humanity in Argentina who was disappeared (for the second time) a few days before the verdict was handed down. To this day, he has not reappeared. And although this culture of human rights has become a lingua franca in Argentina, other voices have also begun to be heard. Indeed, one claim is that the truth, memory and justice project is one-sided and limited, or even downright illegal (Salvi, De vencedores a víctimas: memorias militares sobre el pasado reciente en la Argentina). According to Salvi (“The Slogan ‘Complete Memory’: A Reactive (Re)-signification of the Memory of the Disappeared in Argentina” 43–61), groups and organizations under the umbrella slogan ‘Complete Memory’ have been making use of key terms, formulations and narratives constructed and used by HROs over the years to express their support for the armed forces, the perpetrators of crimes, and to legitimize the many acts committed during the dictatorial rule. While she traces the rise of these voices to the mid-1990s, such stances and core claims have gained ground after the 2015 democratic elections. From politicians such as Elisa Carrió stating that some of the verdicts in the trials were given without evidence (Delitos de lesa humanidad), to then acting president, Mauricio Macri, questioning the popularly cited number of 30,000 forcibly disappeared persons (Molina), these alternative narratives appeared time and time again, occupying a central place in political and social debates and raising some serious challenges to what was seen as mainstream politics under the previous Kirchner administrations (2003–15) (van Drunen 210–14). The different positions – that of the HRO activists and their popular supporters and that of Macri’s right-wing government (and its resonances with supporters of the ‘Complete Memory’ slogan, although

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9 According to CORREPI (an organization working against institutional and police repression), over 210 persons have been disappeared since the fall of the regime https://www.pri.org/stories/2017-09-02/argentine-protesters-disappearance-reminiscent-countrys-years-dictatorship.

10 Macri’s government also cut down dramatically on memory and justice work and disrupted structures set up in earlier years by, for instance, the passing of the 683/2018 decree that permits military intervention in internal affairs (Crenzel, “Batallas Culturales y Memorias”).
the two should not be conflated) – were also present in the interpretation of Maldonado’s disappearance. Specifically, as noted above, in the popular and human rights-led interpretation of the event as a disappearance, on the one hand, and in the government’s response to Maldonado’s life choices and its strong insistence on defending the Gendarmerie, on the other hand.

On 17 October 2017, the body of Santiago Maldonado was discovered floating in the Chubut River not far from the place where he was last seen. When found, in what according to some sources was a third or fourth search in the same part of the river, Sergio Maldonado, Santiago’s brother, and his wife Andrea chose to stay close by. For over seven hours they stood on the bank of the river next to a body they knew could be Santiago because they did not trust anyone (Hauser). During the previous seventy-eight days they had witnessed and experienced too many lies, partial truths, rumours and conspiracies and it was only by staying with the body and watching over it that they felt they could ensure that the truth, at least in some form, would come to light.

How, then, should we make sense of their decision to wait by the banks of the Chubut River? First of all, I believe it reflects a deep distrust in the state’s institutions and particularly its security forces (e.g. the National Gendarmerie) (see Escolar for analysis of changing views of the Gendarmerie in the country). While not surprising considering the innumerable errors and omissions in the investigation, as well as the sometimes blatant placing of obstacles in the path to truth and justice, it does give pause for thought about the profound mistrust that many Argentines feel towards the state. Second, and in direct association with this deep distrust, when the autopsy was performed on the body, it involved fifty experts. It seems that every stakeholder wanted their own expert in the room to examine the body and determine the cause of death or corroborate the evidence. In other words, each party to the event wanted to ensure that the truth (whatever that may be) would come to light. Distrust in expert knowledge and scepticism about the state’s motivations in the case may also be indicative of a broader questioning of state machinery. That is, it may be that the exposure of the past through the work of HROs and popular supporters has left many sceptical as to the possibility of ever trusting the state again.

At the same time, the identification of the body and the findings of the autopsy, revealing that Maldonado had drowned and had probably suffered from hypothermia, very quickly repositioned the case – and Maldonado specifically – in public discourse. For some, he had suffered forced disappearance followed by death; but for others he had ‘just’ drowned. As the report by Amnesty International (from 30 November 2018) following the closing of the proceedings investigating the death and disappearance states: ‘According to the ruling, Santiago “died by drowning, no one could have prevented it, no one could have helped him, not the officials pursuing the operation nor the members of the community that Santiago went to help with their claims”’ (Amnesty International).

The autopsy and the interpretation of its results silenced the loud public outcry, and with the passage of time the case slipped out of the public eye; in fact, soon after the body was found media coverage of the case decreased dramatically. But this should not deter us from recognizing the significance of the case and the social response to it. For our purposes, it might be most relevant to highlight the emergence of contradictory narratives that have their roots in different readings of the past in a context that is far removed from the last dictatorial rule and the mass human rights violations committed during that period. More specifically, it is these very different readings of the present, and the past they hark back to, that demand our attention as they provide a critical lens on the liberal wish to ‘come to terms with the past’ (see Figure 3).
Conclusions
In bringing the case of Santiago Maldonado into dialogue with the theme of this collection, my aim has been to explore the assumptions underlying the transitional justice framework. Specifically, the claim that the forging of collective narratives, the construction of collective memory and the application of judicial accountability measures can ensure democratic rule and social cohesion and, inevitably, reconstruct broken social ties, restore trust in the state and bring about the founding of shared norms and moral values (see the critique of this model offered by David in this collection). Instead, I contend that what Maldonado’s case demonstrates is the entrenchment of distinct positions – pro-human rights versus right-leaning and pro-neoliberal groups – that have been repeated in different contexts and with many variations throughout recent decades in Argentina. Both, I suggest, not only offer different interpretations of reality, but also different visions of history. As I have demonstrated, this is not the first time that these narratives have clashed in the public sphere. It is the case, rather, that mutually contradictory narratives have been public and vocally present since the return to democracy and particularly since the reopening of the criminal trials in 2005. But it is the Macri administration (2015–2019), its public pronouncements and its active undermining of existing memory culture that had made these clashes all the more visible and unsettling.  

While Antonius Robben has explained the entrenchment of these positions and the inability to find common modes of coexistence as a consequence of both the reappearance of repressive practices from the past (such as forced disappearances) as well as the insistence of some sectors in Argentine society on the use of the term ‘genocide’ to describe the crimes of the last civil-military dictatorship (Robben, *Argentina Betrayed*; Robben, “From Dirty War to Genocide”), I suggest that the explanation may lie elsewhere, specifically in Gabriel Gatti’s formulation of ‘social catastrophe’.

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The limitations on space here mean that I cannot present a detailed analysis of the internal differences and critiques within each position.
Gatti claims, as noted earlier, that the practice of forced disappearance and the extreme violence enacted by the dictatorial rule produced a social catastrophe that is characterized by the ‘disarticulation of words from things, of meanings from facts’. This catastrophe does not disappear with the return to democracy; rather, it lingers, inhabiting or creating the new everyday life. Within this new ‘permanent exception’ (Gatti, *Surviving Forced Disappearance* 16) different narratives emerge and new meanings and associations are created. At their core, these narratives are shaped by the unique figure of the disappeared, that produces a space where human life is no longer characterized by the dichotomy of life or death but by the recognition that the liminal is the norm. The narratives that emerge encompass such anomalies as the disappeared (*los desaparecidos* – those who are neither alive nor dead), the living-disappeared (living individuals who had their identity altered at a very young age after being abducted by the dictatorial rule) or the ex-detained-disappeared (individuals who survived their own disappearance). But it is also this catastrophe and its corresponding space of perpetual instability that allow for new disappearances, such as that of Santiago Maldonado, to appear as possible, even probable, occurrences.

The point, however, is not only that these events can be repeated under different guises and in the context of a democratic polity, nor is it only that events such as disappearances may conjure up reverberations and repetitions of the past. Rather, and more importantly for the larger argument of this collection, it is that in the context of the social catastrophe, even many years after the events, ‘coming to terms with the past’ does not mean closure. In effect, what Maldonado’s case does is raise serious questions about the fundamental assumptions of the memory culture and transitional justice framework, specifically the assumptions that ‘facing the past’ and ‘working through’ past traumas (using the transitional justice toolkit for example) can lead to closure and to the transformation of society and state institutions (Murphy; for critique of this model see Walker; Gready & Robins; Gready, “Introduction”).

I hasten to point out that this does not mean that Argentina is a fragile democracy – on the contrary, as Argentines’ response to the economic and political crisis of 2001 and many other human rights and grassroots-initiated events since then have clearly demonstrated (see Crenzel, “Batallas Culturales y Memorias”). But it does pose serious challenges to some of the basic underlying assumptions of the liberal memory paradigm and the transitional justice framework. It is with these challenges that a revised or alternative framework for dealing with past atrocities and their aftermath must come to terms.

References

Amnesty International. “Argentina: State must clarify facts around the death of Santiago Maldonado and punish those responsible.” 30 November 2018: https://www.amnesty.org/en/latest/news/2018/11/argentina-estado-tiene-obligacion-de-esclarecer-los-hechos-y-sancionar-a-los-responsables-por-la-muerte-de-santiago-maldonado Accessed 21 May 2019.

Bullentini, Ailín. “Es una guerra sin tiempo contra el terrorismo.” *Pagina 12*, 5 October 2017: https://www.pagina12.com.ar/67112-es-una-guerra-sin-tiempo-contra-el-terrorismo Accessed 21 May 2019.

Calveiro, Pilar. *Política y/o violencia: Una aproximación a la guerrilla de los años 70*. Grupo editorial norma, 2005.

“Caso Maldonado: para Patricia Bullrich, ‘está cada vez más claro que no hubo una desaparición forzada.’” *Infobae*, 31 August 2017: https://www.infobae.com/politica/2017/08/31/caso-maldonado-para-patricia-bullrich-esta-cada-vez-mas-claro-que-no-hubo-una-desaparicion-forzada/ Accessed 21 May 2019.

Caviglia, Mariana. *Dictadura, vida cotidiana y clases medias: Una sociedad fracturada*. Prometeo Libros, 2006.
Vaisman: On (Not) Coming to Terms with the Past

Centro de Estudios Legales y Sociales (CELS). *Diez Preguntas y Respuestas Sobre el Caso Santiago Maldonado*. 24 November 2017, pp. 1–14. https://www.cels.org.ar/web/2017/11/diez-preguntas-y-respuestas-sobre-el-caso-santiago-maldonado/ Accessed 21 May 2019.

Crenzel, Emilio. “Batallas Culturales y Memorias: El atropello de Macri contra la cultural de los derechos humanos y los derechos económicos y sociales.” 2019: https://www.elcoheteala-luna.com/dos-batallas-culturales-tres-memorias/ Accessed 21 May 2019.

Crenzel, Emilio. “La víctima inocente: de la lucha anti-dictatorial al relato de Nunca más.” *Los Desaparecidos en la Argentina: memoria, representación e ideas* (1983–2008), edited by Emilio Crenzel. Editorial Biblos, 2010, pp. 65–83.

Crenzel, Emilio. “The Memories of the Disappeared in Argentina.” *Desaparición: Argentina’s Human Rights Trials*, edited by Gabriel Andreozzi, translated by David Gorman. Peter Lang, 2014, pp. 277–99.

“Delitos de lesa humanidad: Elisa Carrió sostuvo que ‘hay militares condenados sin pruebas’ y pidió revisar los juicios” *Infobae*, 29 January 2017. Accessed 21 May 2019.

Delrio, Walter et al. “Discussing Indigenous Genocide in Argentina: Past, Present and Consequences of Argentinean State Policies toward Native People.” *Genocide Studies and Prevention*, vol. 5, no. 2, 2010, pp. 138–59. DOI: https://doi.org/10.3138/gsp.5.2.138

Di Nicola, Gabriel. “Caso Maldonado: ‘Escuchamos que un compañero había golpeado con una piedra a un capuchado,’ declararon hoy dos gendarmes.” *La Nación*, 12 September 2017: https://www.lanacion.com.ar/politica/caso-maldonado-dos-gendarmes-declararon-que-escucharon-decir-a-un-companero-que-habia-golpeado-a-un-manifestante-con-una-piedra-nid2062213 Accessed 21 May 2019.

Elster, Jon. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge University Press, 2004. DOI: https://doi.org/10.1017/CBO9780511607011

Elster, Jon. “Coming to Terms with the past. A Framework for the Study of Justice in the Transition to Democracy.” *European Journal of Sociology*, vol. 39, no. 1, 1998, pp. 7–48. DOI: https://doi.org/10.1017/S0003975600007785

Escolar, Diego. “Caso Maldonado Mandá a la Gendarmería.” *Anfibia*: http://revistaanfibia.com/ensayo/manda-a-la-gendarmeria/ Accessed 21 May 2019.

Galar, Santiago and Brenda Focás. “Maldonado la Victíma que no Convence.” *Cosecha Roja*, 27 October 2017: http://cosecharoja.org/maldonado-la-victima-que-no-convence/ Accessed 21 May 2019.

Gatti, Gabriel. “De un continente al otro: el desaparecido transnacional, la cultural humanitaria y las víctimas totales en tiempos de guerra global.” *Política y Sociedad*, vol. 48, no. 3, 2011, pp. 519–36. DOI: https://doi.org/10.5209/rev_POSO.2011.v48.n3.36419

Gatti, Gabriel. *Surviving Forced Disappearance in Argentina and Uruguay Identity and Meaning*. Translated by Laura Pérez Carrara. Palgrave Macmillan, 2014. DOI: https://doi.org/10.1057/9781137394156

Gatti, Gabriel. “The detained-disappeared: civilizational catastrophe, the collapse of identity and language.” Translated by Sheena Caldwell. *RCCS Annual Review [Online]*, vol. 3, 2011, pp. 15–37. DOI: https://doi.org/10.4000/rccsar.270

Goldschmidt, Maxi. “Santiago estaba agarrado de una rama, con el agua hasta las rodillas, y los gendarmes arriba.” *Revista Cítrica*, 14 August 2017: http://www.revistacitrica.com/santiago-estaba-agarrado-de-una-rama-con-el-agua-hasta-las-rodillas-y-los-gendarmes-arriba.html Accessed 21 May 2019.

Gready, Paul. “Introduction.” *From Transitional to Transformative Justice*. Cambridge University Press, 2019, pp. 1–8. DOI: https://doi.org/10.1017/9781316676028.001

Gready, Paul and Simon Robins. “From Transitional to Transformative Justice: A New Agenda for Practice.” *The International Journal of Transitional Justice*, vol. 7, 2014, pp. 339–61. DOI: https://doi.org/10.1093/ijtj/iju013
Hauser, Irina. “Caso Santiago Maldonado: Sean Humanos.” Anfibia. http://revistaanfibia.com/ensayo/humanos-sean/ Accessed 21 May 2019.

Hinton, Alexander Laban. “Introduction.” Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence, edited by Alexander Laban Hinton. Rutgers University Press, 2010, pp. 1–22.

Jastreblansky, Maia and Gabriel Di Nicola. “Claves para entender el caso Maldonado.” La Nación, 16 October 2017: https://www.lanacion.com.ar/politica/seis-claves-para-entender-el-caso-hasta-ahora-nid2072643 Accessed 21 May 2019.

Leebaw, Bronwyn Anne. “The Irreconcilable Goals of Transitional Justice.” Human Rights Quarterly, vol. 30, no. 1, 2008, pp. 95–118. DOI: https://doi.org/10.1353/hrq.2008.0014

Lentón, Diana. “El Nuevo Enemigo Público.” Anfibia, http://revistaanfibia.com/ensayo/nuevo-enemigo-publico/ Accessed 21 May 2019.

Lundy, Patricia and Mark McGovern. “Whose Justice? Rethinking Transitional Justice from the Bottom Up.” Journal of Law and Society, vol. 35, no. 2, 2008, pp. 265–92. DOI: https://doi.org/10.1111/j.1467-6478.2008.00438.x

“Masiva Marcha en Plaza de Mayo para reclamar la Aparición de Santiago Maldonado.” La Nación, 11 August 2017: https://www.lanacion.com.ar/sociedad/masiva-marcha-en-plaza-de-mayo-para-reclamar-la-aparicion-de-santiago-maldonado-nid2052241 Accessed 21 May 2019.

Meyer, Adriana. “Las contradicciones de la investigación.” Pagina 12, 25 November 2017: https://www.pagina12.com.ar/78293-las-contradicciones-de-la-investigacion Accessed 21 May 2019.

Molina, Federico Rivas. “Mauricio Macri reactiva la polémica por el número de desaparecidos en Argentina.” El País, 11 August 2016: https://elpais.com/internacional/2016/08/11/argentina/1470936255_170858.html Accessed 21 May 2019.

Murphy, Colleen. The Conceptual Foundations of Transitional Justice. Cambridge University Press, 2017. DOI: 10.1017/9781316084229

Nagy, Rosemary. “Transitional Justice as Global Project: Critical Reflections.” Third World Quarterly, vol. 29, no. 2, 2008, pp. 275–89. DOI: https://doi.org/10.1080/01436590701806848

Novaro, Marcos and Vicente Palermo. Historia Argentina La Dictadura Militar 1976/1983. Del Golpe de Estado a la Restauración Democrática. Paidós, 2003.

‘Patricia Bullrich: “La RAM está financiada por una organización inglesa.”’ Clarín, 8 August 2017: https://www.clarin.com/politica/patricia-bullrich-ram-financiada-organizacion-inglesa_0_H1RLCRwwb.html Accessed 21 May 2019.

‘Patricia Bullrich, sobre Santiago Maldonado: “La desaparición forzada es una construcción.”’ La Nacion, 11 August 2017: https://www.lanacion.com.ar/2052199-patricia-bullrich-sobre-santiago-maldonado-la-desaparicion-forzada-es-una-construccion Accessed 21 May 2019.

Robben, Antonius C.G. Argentina Betrayed: Memory, Mourning, and Accountability. University of Pennsylvania Press, 2018. DOI: https://doi.org/10.9783/9780812294910

Robben, Antonius C.G. “From Dirty War to Genocide: Argentina’s Resistance to National Reconciliation.” Memory Studies, vol. 5, no. 3, 2012, pp. 305–15. DOI: https://doi.org/10.1177/1750698012443887

Robben, Antonius C.G. Political Violence and Trauma in Argentina. University of Pennsylvania Press, 2005. DOI: https://doi.org/10.9783/9780812203318

Roht-Arriaza, Naomi and Javier Mariezcurrena, eds. Transitional Justice in the Twenty-First Century: Beyond Truth and Justice. Cambridge University Press, 2006. DOI: https://doi.org/10.1017/CBO9780511617911

Sáez, Álvaro. “Santiago Maldonado: militando la duda.” La Vanguardia Digital, 31 August 2017: http://www.lavanguardiadigital.com.ar/index.php/2017/08/31/santiago-maldonado-militando-la-duda/ Accessed 21 May 2019.
Salvi, Valentina. *De vencedores a víctimas: memorias militares sobre el pasado reciente en la Argentina*. Editorial Biblos, 2012.

Salvi, Valentina. “The Slogan ‘Complete Memory’: A Reactive (Re)-signification of the Memory of the Disappeared in Argentina.” *The Memory of State Terrorism in the Southern Cone*, edited by Francesca Lessa and Vicente Druliole. Palgrave Macmillan, 2011, pp. 43–61. DOI: https://doi.org/10.1057/9780230118621_3

“Santiago Maldonado y los focus groups.” *Consecha roja*, 6 September 2017: http://cosecharoja.org/focus-santiago-pistas-falsas/ Accessed 21 May 2019.

Schindel, Estela. *La desaparición a diario: Sociedad, prensa y dictadura (1975–1978)*. Eduvim, 2012.

Sharp, Dustin N. “Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition.” *International Journal of Transitional Justice*, vol. 9, 2015, pp. 150–69. DOI: https://doi.org/10.1093/ijtj/iju021

Sikkink, Kathryn. “From Pariah to Global Protagonist: Argentina and the Struggle for International Human Rights.” *Latin American Politics and Society*, vol. 50, no. 1, 2008, pp. 1–29. DOI: https://doi.org/10.1111/j.1548-2456.2008.00002.x

Smink, Veronica. “Quién es Santiago Maldonado, el joven cuya desaparición tuvo en vilo a Argentina.” *BBC Mundo*, 20 October 2017: https://www.bbc.com/mundo/noticias-america-latina-40868877 Accessed 21 May 2019.

Teitel, Ruti. *Transitional Justice*. Oxford University Press, 2000.

Vaisman, Noa and Barrera Leticia. “On Judgment: Managing Emotions in Trials of Crimes Against Humanity in Argentina.” *Social & Legal Studies*, 2020. Accessed 4 May 2020. DOI: https://doi.org/10.1177/0964663919900974

van Drunen, Saskia. *Struggling with the Past: The Human Rights Movement and the Politics of Memory in Post-Dictatorship Argentina (1983–2006)*. Rozenberg Publishers, 2010.

Verbitsky, Horacio. *Confessions of an Argentine Dirty Warrior: A Firsthand Account of Atrocity*. Translated by Esther Allen. The New Press, 1996.

Walker, Margaret Urban. “Capturing Transitional Justice: Exploring Colleen Murphy’s The Conceptual Foundations of Transitional Justice.” *Journal of Global Ethics*, vol. 14, no. 2, 2018, pp. 137–46. DOI: https://doi.org/10.1080/17449626.2018.1506997