

The Paradox of Truth vs. Justice: Trials for State Crimes in Chile and Argentina

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A. Introduction

Common sense suggests that the more public knowledge there is about such serious crimes as human rights violations, the more likely they are to be brought to justice. But a comparison of two of the most significant recent attempts to grapple with past state crimes – in Chile and Argentina – suggests that sometimes truth can stand in the way of justice.

After the collapse of the Argentine military dictatorship in 1982 the incoming democratic government carried out high-level trials for human rights violations. *Nunca Más* (“Never again”) was the phrase of the moment as the world watched a modest prosecutor successfully lead the case against the top leaders of the Argentine military regime. Several years later, in 1990, a transition to democracy in neighboring Chile failed to produce a similar result. Instead of high-level trials there was negotiation and compromise between the military and democratic leaders. And instead of the military leadership in prison, Pinochet continued in power as head of the armed forces and later as senator-for-life.

This outcome – trials at the end of the military dictatorship in Argentina but not in Chile – is puzzling because the depth and breadth of the publicly available information at the time of the transition about the human rights violations committed by the state was greater in Chile than in Argentina. Chile had more truth but less justice. The Chilean human rights movement was stronger than its neighbor’s. It enjoyed a greater degree of protection and legitimacy, and was less riddled with internal divisions. Most importantly, Chilean lawyers and human rights activists compiled sophisticated archives as they tracked and fought the regime’s repression. While in Argentina some groups also had similar archives, there was none with the technical sophistication, breadth, and depth of information found in Chile. Given all these differences, why did trials take place in Argentina but not in Chile? Does truth have a *negative* impact on justice?

The common sense view that truth has a positive impact on justice is not altogether wrong. But what remains poorly understood is that the impact of truth can happen in unexpected ways. A growing literature on the problem of transitional justice has tended to focus on the relationship between truth and justice only in the period *after* the end of the dictatorship, when democratic leaders have to figure out how to deal with the previous regime’s violations.¹ While this is an important problem politically and intellectually, it largely ignores the effects that publicly available information about state crimes can have *during* the dictatorship. Paradoxically, information gathered by human rights groups can serve to strengthen a dictatorship willing to loosen its grip. It can call attention to the regime’s worst abuses, and serve as a signal to restrain these. By exercising some restraint and by providing some openings to groups in civil society, a dictatorship can mitigate the kinds of legitimacy crises that plague other regimes insistent on complete control and repression.

¹ Cf. Kritz (1995), Nino (1996), Osiel (1995; 1997), Zalaquett (1992).

The paper demonstrates that the Chilean dictatorship followed the path of restraint and mitigation, while the Argentine dictatorship followed the riskier path of complete control, where failure led to complete collapse. The argument is systematized with an analytical framework that compares and contrasts the relationship between the information available in each country on the human rights violations and how each country organized coercion.

B. The Strength of the Human Rights Movements in Chile and Argentina

To start, there are three main reasons why the Chilean human rights movement was stronger and more effective than in Argentina.

First, the Chilean human rights organizations had better protection and support: The Church provided a sanctuary for the Chilean groups, while the Argentine Church sided with the dictatorship. Apart from physical protection, this meant more resources in terms of staff and offices. The Church also allowed the Chilean human rights organizations a presence and a base of operations across the entire country.

Second, the Chilean groups were more unified: Argentine groups were riddled with internal divisions, while the Chilean groups formed multiple umbrella coordinating bodies and faced fewer internal divisions (Acuña 1998; Orellana and Hutchison 1991; Skaar 1994).

But perhaps most important, the Chilean groups collected more and better detailed information on the activities and crimes of the state forces. This happened largely as a function of the first two factors. Chilean human rights workers piggybacked on the Church to travel throughout the country, receiving administrative support even in distant provinces. This allowed the COPACHI and later the Vicaría to gather information and establish networks of support across the country.² By contrast, in Argentina different human rights groups struggled to collect information outside their immediate province, a process made more difficult by the numerous internal rivalries.³

To illustrate this difference, international organizations (such as Amnesty International, the United Nations, and the Organization of American States) that came to Chile in mid-70s relied almost exclusively on information provided by the Vicaría (and later other organizations like the Chilean Human Rights Commission) to prepare their reports on the human rights violations. In Argentina these international organizations, especially at first, relied to a greater extent on their own on-the-ground research and

² Cf. Frühling (1983), (1992), and Orellana and Hutchison (1991).

³ Susana Pérez, a former deputy and longtime member of the Asamblea Permanente de Derechos Humanos (APDH) noted that the first time the human rights community learned of the existence of a concentration camp in Argentina was in 1977, when Amnesty International reported it (Interview, Buenos Aires, April 24, 1996). Eduardo Rabossi, one of the founders of the Centro de Estudios Legales y Sociales (CELS), a leading human rights organization, noted that during the dictatorship it was very difficult to obtain a clear picture of the human rights violations across the country (Interview, Buenos Aires, April 25, 1996).

collection of testimonies. Their results later proved invaluable to human rights organizations on the ground.⁴

Given these differences, the puzzle is why Argentina was able to hold trials for state crimes – a much more far-reaching result than Chile – despite the fact that its human rights movement was weaker than Chile’s and had collected less information. A reasonable expectation would be the opposite: that the ability to collect information on human rights violations increases the likelihood of holding the regime accountable for its actions after the regime comes to an end.

C. Explaining trials for human rights violations

If not information gathered by human rights groups, what else might explain the puzzling outcome of the trials? I examine three possible hypotheses.

Moral outrage

The first possibility is that justice was carried out in Argentina and not in Chile because the gravity of the crimes was far greater. In Argentina, according to the most conservative estimate 9,000 people were “disappeared” during the Dirty War and the “*proceso*” (CONADEP 1995 (1984): 293), while in Chile the best estimates are far lower, around 3,200 disappeared or killed (Corporación Nacional de Reparación y Reconciliación 1996: 576).⁵ While no one denies that the Chilean crimes were serious violations of human rights, the idea here is that it is reasonable to expect more prosecutions in Argentina than Chile given the more numerous violations.

The underlying premise behind this argument is that there should be a fairly direct relationship between the gravity of crimes committed, the moral outrage these crimes cause, and the resulting sanctions they provoke. At first sight this seems a reasonable premise. We would expect more serious crimes to cause greater moral outrage, and thus a greater likelihood of sanction. But there are at least two objections that can be raised.

The first is theoretical: An explanation for why trials were carried out in Argentina is not necessarily an explanation for why trials were not carried out in Chile. It may be the case that the gravity of the crimes was lower in Chile than Argentina, but why should that necessarily result in *no* trials? A reasonable outcome, following the logic of

⁴ Amnesty, according to Pérez, learned about clandestine centers from people who had gone into exile. “Little by little, we began to get a clearer picture of what was happening,” she noted (Interview, Buenos Aires, April 24, 1996). Eduardo Rabossi noted that the OAS Inter American Human Rights Commission 1979 report on the human rights violations in Argentina marked a “watershed” for the human rights movement (Interview, Buenos Aires, April 25, 1996).

⁵ In Chile, the Truth and Reconciliation Commission reported 2,298 people killed or disappeared (Comisión Nacional de Verdad y Reconciliación 1991), and the Commission on Reparations and Reconciliation, established after the publication of the Rettig Report, added a further 899 cases (Corporación Nacional de Reparación y Reconciliación 1996). The terms of reference of the Chilean and Argentine commissions were slightly different. The Chilean commissions investigated only those cases that resulted in death, including disappearances and executions. In Argentina the Sabato Commission investigated only cases listed as disappearances. The total number of people killed in Argentina, in other words, is higher than the 9,000 estimate. (Cf. Brysk (1994), Norden (1996)).

this explanation, would have been *proportionate* to the gravity of the crimes. Fewer crimes in Chile would have resulted in fewer trials, not none.

The second objection is empirical. Historically, there is no clear relationship between the gravity of crimes committed and justice. Some grave crimes, such as the Holocaust, have been sanctioned, while many others, such as the massacre of Armenians in Turkey, have gone unpunished. But even the Holocaust, the touchstone example for the prosecution of state crimes, resulted in relatively few convictions and sentences as compared to the magnitude of the crimes committed. At the other extreme, the Chilean violations are greater than other state crimes that have resulted in prosecutions.⁶

Moreover, even though in absolute terms the number of victims was far greater in Argentina than in Chile, in per capita terms the difference is smaller. The point is not that this is a better measure of the gravity of the crimes, but simply that it is a reasonable different one, according to which the relative gravity of the crimes looks less different.

In sum, although at first sight the relationship between the gravity of the crimes, moral outrage, and sanctions seems a reasonable proposition, on closer examination we find weaknesses with this as an explanation for why trials were carried out in Argentina but not in Chile.

Difference in interests

The second possibility is that whatever the gravity of the crimes, Argentine democrats were simply more interested than their Chilean counterparts in pursuing justice. Even if both new governments faced a similar dilemma regarding what to do about the past abuses, the Argentines pursued justice more doggedly than the Chileans.

At first pass this idea seems plausible, by comparing the backgrounds of the first civilian presidents after the dictatorship in Argentina and Chile. While neither Raul Alfonsín in Argentina nor Patricio Aylwin in Chile were closely associated with the human rights cause prior to the transition, Alfonsín during the transition established close working partnerships with leading human rights advocates such as Carlos Nino, Jaime Malamud-Goti and Eduardo Rabossi. By contrast, Aylwin had been a leading supporter of military intervention against the Allende government. As president of the Senate in the early 1970s, he repeatedly encouraged the armed forces to depose Allende, largely in the (false) hope that they would return power to Aylwin's Christian Democrats. Given this background, it is not surprising that the human rights cause was better advanced in Argentina than in Chile. Argentine democrats were simply more interested in justice than their Chilean counterparts.

But a key problem with this explanation is that it underestimates the importance of the human rights issue for Aylwin politically and personally. Politically, the Concertación – the alliance of center and left parties that made up the first government

⁶ Corruption by state officials, for instance, is a serious crime, but it is certainly less serious than murder. Even staying within Chile, corruption is a crime that traditionally has been strongly sanctioned by the Chilean courts.

after Pinochet – included the Socialists as roughly equal partners to the Christian Democrats. And the human rights cause was (and remains) a central preoccupation for the Socialists, as it does for significant sectors of the Christian Democrats. It was the Church, after all, which served as the country’s only sanctuary for victims of human rights violations during the worst days of the repression. Members of the PDC – including many leading figures within the party such as Jaime Castillo Velasco (a founding member of the PDC, and later a cabinet Minister under Eduardo Frei Sr.) – became closely associated with the human rights cause, denounced the violations during the dictatorship, and suffered personal hardship for their views.⁷ And as president Aylwin worked closely with noted human rights activist Jose Zalaquett (a founding member of the Vicaria and former director of Amnesty International) in setting his government’s human rights policy.⁸ Also, at a personal level, Aylwin’s brother Andrés was and remains a leading human rights lawyer who served at the Vicaría. And his daughter Mariana was also closely identified with the human rights cause.

The point is not to diminish the importance of the human rights issue for noted crusaders like Nino and Rabossi who were closely allied with Alfonsín in Argentina. Rather, it is to suggest that the difference in interests among the political leaders in each country depends on where one looks. Without the benefit of post-authoritarian hindsight, one would have been hard-pressed to say that Alfonsín would be more concerned with justice than Aylwin.

Balance of power

A third possible explanation could echo the words of Chilean president Patricio Aylwin: “Justice within the limits of the possible.”⁹

The crux of this idea is that whatever their interests or the relative gravity of the crimes committed, democrats in Argentina were better able to carry out justice simply because the Argentine dictatorship lost decisively and the democrats won. The military had been facing serious legitimacy crises at home and tried to avert the population’s attention with what turned out to be a high-risk gambit in the Malvinas/Falklands War. A humiliating defeat in the war led directly to the regime’s complete collapse, opening the door to democratic rulers who were able to impose their will on the outgoing dictatorship. By contrast, in Chile the dictatorship retained a great deal of political control. Instead of being swept out of power, the transition to democracy was marked by comprehensive negotiations between the dictatorship and the new democratic rules. No side was completely able to impose its will on the other, but the Chilean military retained an

⁷ Castillo Velasco and several other leading members of the PDC were arrested several times and eventually exiled. These colleagues of Aylwin were figures with an enormous degree of clout within the Christian Democratic Party.

⁸ Zalaquett became one of the key members in the Truth and Reconciliation Commission.

⁹ The most systematic argument in favor of justice within the limits of the possible when confronting past human rights violations is Zalaquett (1992). Zalaquett, a member of the Truth and Reconciliation Commission set up by Aylwin, was a central architect of Aylwin’s human rights policy. The classic statement of the view that political ideals like absolute justice must be tempered by the realities of what is and is not possible, of course, is Weber (1946).

unquestionably greater degree of control over the terms of transition than their neighbors in Argentina.

A striking illustration of the difference in balance of power is the amnesty decree passed by the Chilean military government in 1978 to cover all political crimes since the 1973 coup. Chilean democrats would certainly have preferred not to run up against the self-imposed amnesty, but they did not have much of a choice. The amnesty was a non-negotiable demand of the military during the transition.¹⁰ By contrast, even though the Argentine regime tried to give itself a blanket amnesty for all the human rights violations once the collapse was imminent, its bargaining power at that time was weak.¹¹ Argentine democrats were thus able to set the agenda for justice without the constraint of a legally binding amnesty decree.¹² In other words, power determines justice: no collapse, no trials.

The main problem with this explanation is that it places too much weight on short-term variables: the balance of power between the dictatorships and the democrats *at the time of the transition*.¹³ It is true that democrats in Argentina had more power than their Chilean counterparts during the transition to democracy. But this is precisely the outcome we need to explain. What led to this relative difference in the balance of power among the military and the democrats in Chile and Argentina?

Contrary to the predictions of balance of power, during the dictatorship it was the *Chilean* democrats who had more power than the Argentines.¹⁴ They enjoyed greater freedoms of association, and were engaged in numerous dialogues and negotiations with the military leadership. A few years before the end of each dictatorship it would have

¹⁰ On the eve of the transfer of power between the military and the Concertación government Pinochet declared that “No one touches any of my men. The day they touch any of my men it’s the end of the rule of law.” (“*Nadie me toca a nadie a mi. El día que me toquen a alguno de mis hombres, se acabo el estado de derecho.*”) A more subtle, yet no less forceful response came from General Fernando Matthei, member of the Junta as Commander in Chief of the Air Force. Matthei had been a key defender of the transition process, having often struggled with Pinochet in order to ensure a fairer, more speedy process. He was considered a *blando*. But Matthei warned that the Concertación’s program threatened the entire transition process, that the military would “not accept” prosecutions, and that “If they are going to try to put us in the pillory, as in Argentina, that is going to have grave consequences.” (Quoted in Huntington (1991: 216-17); Cf. also Correa Sutil (1992: 1460).) Enrique Correa and General Jorge Ballerino were key interlocutors during the 1988-90 transition, for the Concertación and the military, respectively. Correa noted that the military would tolerate a truth commission after the Concertación came to power, but would demand that the amnesty decree be respected “scrupulously” (Interview, Santiago, January 31, 1997).

¹¹ General Reinaldo Bignone passed the amnesty law in September 1983, weeks before the elections for a new government. Alfonsín’s Radical party, along with the left and the human rights community, rejected the law. Carlos Nino, one of the leading human rights advocates and advisor to Alfonsín, notes that the military was sure that the election winner would be the Peronist party, which had not condemned the amnesty strongly. Therefore, argues Nino, the military did not bother to “co-opt the Radical party, as they had with the Peronist party” (Nino 1996: 64-66).

¹² In Congress in 1984, argues Nino, the Peronist party, learned from the mistake of 1983 (of too close an alliance with the military). Their support ensured that the military’s self amnesty was easily overturned (Nino 1996: 74)

¹³ Examples of transition centered analyses include (O’Donnell and Schmitter 1986; Przeworski 1986).

¹⁴ In other words, it serves as a criterion for cross-sectional comparisons, but breaks down when we compare longitudinally.

been hard to predict that it would be the Argentines rather than the Chileans who would be better able to carry out justice. Given that in both cases the democrats were still far less powerful than the military during the time of the dictatorship, the most likely balance-of-power prediction would have been different variations of a continued military agenda during and after the transition to democracy; slightly more in Argentina, slightly less in Chile.

In sum, although each of the three alternatives I have examined has elements of an explanation, none by itself serves as an account for the puzzling outcome of trials in Argentina but not Chile. In the next section I lay out the framework for a more promising alternative.

D. Coercion and Dictatorship

No ruler can rule alone. All rulers, including dictators, depend on other people and institutions to implement their actions and to maximize support for their goals as well as to minimize opposition. Moreover, even though dictatorships are political regimes that tend to use coercion much more freely than democratic governments in order to pursue their goals, coercion must be organized. Organizing coercion presents rulers with a series of dilemmas. Very generally, rulers need to address some of the following questions: How much force to use against enemies and to maintain domestic order? Which institutions to rely on and how much power to give them? How to ensure that the levels and kinds of coercion do not undermine support for the regime or for its political goals?

Regimes face difficult tensions and trade-offs between the way they organize coercion and their ability to maintain support. I call the general problem of how to organize coercion, simply, the coercion problem. And I break the coercion problem down into two separate sub-problems. The first I call the agency problem and the second the support problem. I examine each one in detail.

The Agency Problem

All rulers, including dictators, must rely on institutions to get their underlings or agents to carry out their commands. In other words, they must delegate.¹⁵ But agents are not automatic extensions of the ruler. Actors have their own interests. There is no *prima*

¹⁵ In economics, principal-agent (PA) theory tries to establish the optimum wages and conditions to ensure that a worker (agent) will a) agree to take on a given job, and b) will perform the job in the manner intended by the boss (principal) (Alchian and Demsetz 1973; Ross 1973). Political scientists have applied these insights to the study of political and bureaucratic institutions, though they are less concerned than economists with finding an optimum wage or terms of contract to resolve the PA problem. Instead, they have used the PA framework to understand the effects that different PA regimes may have politically: e.g. how actors' different incentives and cost-benefit calculations may shape political outcomes (Calvert, McCubbins, and Weingast 1989; Kiewiet and McCubbins 1991; Macey 1992; McCubbins and Weingast 1984; Wilson 1989).

By the term "the agency problem" I mean roughly the same thing as the "principal-agent problem". The distinction is a loose one, but I prefer the former in order to highlight the importance that agents' actions have on the course of rule. By contrast, one of the central concerns in the PA literature is with the kinds of decisions a principal must make in order a) to lure agents to carry out a given task, and b) to ensure that agents actually carry out the task they are meant to.

facie guarantee that agents will automatically execute a ruler's order under any circumstances. Given this condition, a central problem for the ruler turns on monitoring agents' compliance with the orders. How well are they followed? Which agents are complying and which ones are not? Under what conditions is compliance best achieved? These are all central dilemmas of governance across political regimes, from democracy to dictatorship.

Even though monitoring agents' compliance is a universal problem of governance, it is more difficult in a closed regime like a dictatorship. The reason is that there are comparatively fewer feedback sources than in a pluralistic and open regime like a democracy. When rulers have such tight control, there are fewer incentives for agents to report accurately on their performance to superiors who might have an especially high degree of power over the agents' careers and in some cases over their lives.

Rulers have two possible monitoring options. Principal-agent theory refers to these as "police patrols" and "fire alarms" (McCubbins and Weingast 1984). The first refers to specialized agencies created by the ruler for the purpose of monitoring the performance of other agencies. The second refers to reliance on information provided from the population at large, for instance in the form of complaints about a given institution or set of agents. In police patrol monitoring special agents seek out information on agents' performance. In fire alarm monitoring special agents or institutions may collect and systematize information, but the "eyes and ears" is the population at large who call attention to agents' performance.

I adopt the distinction between these two kinds of monitoring, but assign them different labels. I call police patrols "internal monitoring" and fire alarms "external monitoring". In my view, these labels better capture an important aspect of the difference between the two kinds of monitoring, namely the different relationship of each to the ruler. Internal monitoring refers to specialized agencies created within the boundaries of the bureaucracy and still under the control of the ruler, while external monitoring relies on information from outside the bureaucracy and outside the ruler's control.¹⁶ I discuss the strengths and limitations of each one in turn.

In internal monitoring the monitors are still ultimately under the ruler's command and remain dependent for promotions, funding, and perks. As a result, the monitor's own agents have similar incentives and disincentives to report to their superiors (and to the ruler) on their own performance. Agency B may keep track of operations in agency A, but now keeping track of B's operations becomes a problem in its own right. Agency C may be created to keep track of B, but the same problem appears with C. Rulers can layer monitors overtop of monitors, but the effect of this strategy is simply to ratchet the problem of who monitors the monitor up to different levels.

¹⁶ Rosberg, in an analysis of the appearance of independent courts under Nasser's authoritarian regime in Egypt, adopts the same McCubbins and Weingast framework but with his own terminology. Police patrols are centralized monitors and fire alarms are decentralized monitors (Rosberg 1995).

Internal monitoring can be stable and last a long time, but at the limit it creates a regime where by the end no one trusts anyone else.¹⁷ The limitations of internal monitoring can prompt rulers to experiment with external monitoring. This can take several forms, from creating new procedures and agencies for hearing a wider variety of complaints from a wider variety of sources (McCubbins and Weingast 1984), to loosening controls on civic associations, to allowing increasingly more independent courts, parties, and press. Gorbachev's policies of *glasnost* and *perestroika* can be understood in this light, as widespread experiments with external monitoring, after a recognition that internal monitoring – bureaucratic ossification, or Brezhnevism by another name – had failed.¹⁸ External monitoring, in short, is ultimately a more promising solution to the agency problem.¹⁹

The central problem in external monitoring is to ensure that the information provided through complaints is an accurate reflection of agents' performance. There are two main parts to this problem. The first is the truthfulness of the complaints themselves, and the second is the confidence that the number and range of complaints provide an accurate gauge of the agency's performance. External monitoring would fail if people had no incentives to report truthfully, or if they had incentives to misreport. And it would be at best insufficient if the number of complaints received was small or unrepresentative of the range of agency operations.

One way to resolve the first part of the problem is to provide guarantees that reporters will not be punished or persecuted (Rosberg 1995). For instance, witnesses in court may have the right not to be persecuted for their statements, and reporters may be allowed to keep their sources secret. Such guarantees improve the quality of information external monitoring can bring about by lowering the barriers for informers to provide truthful information. And these guarantees also go a long way to resolving the second part of the problem, insofar as more people are likely to report when they can be sure that their declarations will not bring them harmful consequences.

But these guarantees also have a secondary effect: Once truly independent institutions and agents with rights and protections emerge, a closed regime becomes de facto more open. The existence of formally independent actors is by definition a constraint on the ruler's power. (Otherwise, their "independence" would at best be rhetorical.) This creates an entirely new political dynamic for a previously closed regime. The theory predicts that new actors with an interest in protecting and even enlarging the openings will emerge, both in civil society and inside the government.

The Support Problem

The second part of the proposition that no ruler rules alone is that rulers require others to support their agenda. In the same way that all rule requires delegation (in the

¹⁷ One way to understand totalitarian regimes like Stalin's is as cases of internal monitoring carried to its extreme.

¹⁸ For a discussion of *perestroika* and *glasnost* as experiments with external (or decentralized) monitoring, see Rosberg (1995).

¹⁹ This is an insight supported by the principal-agent literature (McCubbins and Weingast 1984).

form of the agency problem discussed above), all rule also requires building support and minimizing opposition. There are at least three key dimensions where rulers seek to build and maintain support: inside the government itself, among the domestic population, and among the international community. We can state generally that in varying degrees dictatorships try to minimize internal divisions, build domestic support, and respond to international pressures. Managing actual or potential alliances and enmities in these three spheres is a problem of governance that I call the support problem.

The support problem is thus not a purely *domestic* issue. Some have suggested that dictatorships tend to alienate their population because these regimes tend to use coercion as a means to achieve ends like political stability or economic modernization (Fraenkl 1969; Neumann 1957). But this notion relies on a questionable distinction between the domestic and the international spheres. Although states have sovereignty over their domestic populations, politics (in the form of interests, groups, and institutions) straddles boundaries and responds to many factors that are not a simple function of sovereignty.²⁰ Dictators still need cooperation and seek to avoid active hindrance from international actors. All governments try to build support in spheres both greater than the domestic (e.g. the international sphere), and smaller than the domestic (e.g. from within the government itself). Therefore, the difference between the domestic and the international spheres, for the purpose of understanding political support, seems an arbitrary one that does not capture the manner in which rulers seek to build and maintain support within their own borders as well as in the international sphere.²¹ Trying to build and manage political support in all three spheres – internal, domestic, and international – is a central problem of governance.

The Information Trap

A result of the relationship between the agency problem and the support problem is that authoritarian governments face what I call *the information trap*: they liberalize in order to obtain information to resolve the agency problem, but doing so means creating openings for groups who will make it harder to resolve the support problem. They can decide to crack down on the political enemies that appear with liberalization, but doing this means a return of the agency problem. The tension between agency and support suggests that authoritarian regimes are thus likely to enter into cycles of liberalization and tightening controls.²²

The trap does not spring in all cases. Authoritarian regimes can attempt to avoid the pitfalls of liberalization, for instance by keeping strictly to cycles of internal monitoring. Notwithstanding all the problems associated with this as a solution to the

²⁰ For the view that sovereignty has always been a contested status, see Krasner (1993).

²¹ For a study of the continuities and discontinuities of civil society pressures at the domestic and international levels, see Keck and Sikkink (1998).

²² This is a pattern we observe in Chile and which I examine in Chapter III. James Rosberg has developed a mathematical model to explain the oscillations between observed patterns of opening and tightening. This model makes use of the idea of liberalization to obtain information, and tightening to control political enemies. Rosberg and I are working on a paper to explain this model and to apply it to the cases of Chile and Egypt.

agency problem, it can be a reasonably stable pattern of politics within authoritarian regimes.²³

Another option is to continue to liberalize. But this will necessarily require that the government engage openly with political foes that in a more closed regime it could simply dispose of, for instance through the secret police. While these new constraints pose obvious difficulties for an authoritarian regime, they are also an opportunity: new groups present new possibilities for alliance building and for competition.

In pointing out the information trap, I am not making a prediction that authoritarian regimes will necessarily evolve toward democracy, or even toward opening. Fashionable end-of-history proclamations notwithstanding, authoritarianism has been around for too long for anyone to be sure that it will go into history's dustbin anytime soon. Indeed, even during the crest of the current "wave" of democratization, authoritarian regimes are making an alarming comeback in many places, including Pakistan, Peru, Venezuela, Ecuador, Ukraine, Belarus, and possibly Russia (c.f. Cameron (1998).)²⁴

Instead, I make three different claims. The first is a relatively straightforward evaluation of costs and benefits: Once external monitoring has come about, while it does not by itself guarantee a "slippery slope" toward democracy, *it makes a reversal toward a more closed regime far more costly*. This follows from the fact that in external monitoring there are more groups than before with an interest in opening. They might be interested in opening for its own sake, or as a means to achieve their particular agenda, or as a response to the agency problem in the manner I have outlined above. Whatever their reasons, their very presence makes it harder for a ruler to close the floodgates once they have been opened.

The second claim is related to the first: Opening widens the boundaries of who counts as a legitimate political actor. A larger pool of actors may disagree on any number of issues, including such fundamental ones as where exactly the new boundaries should be drawn.²⁵ But insofar as the pool of legitimate actors has widened as new interests come into play, there are new constraints on the kinds of things that state actors can and cannot do. Such constraints on the one hand limit actors' possibilities, but on the other also open the door to form new linkages and alliances. Actors willing to hold back – by accepting the legitimacy of other actors' claims – can gain more, in terms of new political opportunities.²⁶

²³ This is a useful way to understand totalitarianism: as a regime that for whatever reasons, ideological or otherwise, entrenches internal monitoring to such an extent that by the end no one trusts anyone else.

²⁴ Robert Kaplan argues that the return of authoritarianism does not look surprising if we discard end-of-history triumphalism. "The very fact that we retreat to moral arguments – and often moral arguments only – to justify democracy indicates that for many parts of the world the historical and social arguments supporting democracy are just not there" (Kaplan 2000: 66).

²⁵ For instance, actors might disagree over whether parties with particular ideologies should be allowed, or they might disagree over the conditions of political activity. My point is not that these disagreements will cease, but simply that the boundaries of who counts as a legitimate actor will widen.

²⁶ In other words, this is a classic example of an *enabling constraint* (Elster 1979).

The third claim follows from the first two: With opening, the nature of the dynamic between political enemies changes. When enemies consider each other to be fundamentally illegitimate, contests between them are more likely to be winner-take-all kinds of games. When the legitimacy of an enemy's claim is recognized, contests between them are more likely to be ones where neither side wins completely. Sometimes one side wins and sometimes the other, but no side gets everything for good.²⁷

This idea is consistent with Dahl's insights into the dynamic between government and opposition. He writes that "... the greater the conflict between government and opposition, the more likely that each will seek to deny opportunities to the other to participate effectively in policy making. To put it another way, the greater the conflict between a government and its opponents, the more costly it is for each to tolerate the other." As a result, "*the opposition must gain control of the state in order to suppress the incumbents (at which point the opposition and government have changed roles*" (Dahl 1971: 15, emphasis added).²⁸

Dahl's deduction predicts that the kinds of conflicts when a government does not tolerate the opposition are more likely to be winner-take-all conflicts. By contrast, a government that tolerates and actively engages an opposition stands to gain:

The lower the costs of toleration, the greater the security of the government. The greater the costs of suppression, the greater the security of the opposition. *Hence conditions that provide a high degree of mutual security for government and opposition would tend to generate and to preserve wider opportunities for oppositions to contest the conduct of the government*" (Dahl 1971: 15-16, emphasis added).

In short, the first claim indicates that there are costs to clamping down. The second and third claims that there are also potential benefits to *not* clamping down. New actors mean new possibilities and potential alliances, as well as increased stability. A ruler willing to exercise restraint can thus stand to reap the benefit of these fruits of opening. In the next section I evaluate the strengths and limitations of this framework in shedding light on the trials puzzle by comparing how each regime grappled with the problem of coercion.

²⁷ Przeworski (1986) defines democracy as a system of rules whereby no one side is ever guaranteed of winning. I do not share this definition for two reasons. The first is nostalgia for the classics: Whatever happened to rule of the people? We can imagine a system, such as a rule of competing aristocracies, where who counts as a "side" does not include the majority of the people. The second, more fundamental, reason is that I do not believe that this kind of game – where no one side is ever guaranteed of winning – is present *only* in democratic regimes. Instead, the thrust of the argument I present here indicates that this is the kind of game that can sometimes be an *antecedent* to democracy.

²⁸ Dahl derives from this three axioms of government toleration of the opposition: Axiom 1: "The likelihood that a government will tolerate an opposition increases as the expected costs of toleration decrease." Axiom 2: "The likelihood that a government will tolerate an opposition increases as the expected costs of suppression increase." And axiom 3: "The more the costs of suppression exceed the costs of toleration, the greater the chance for a competitive regime" (Dahl 1971: 15, emphasis added).

E. Coercion in Chile and Argentina

The armed forces in both Chile and Argentina took power in the 1970s after a period of political instability, and in each case they justified their takeover heavily influenced by a combination of ideologies that included national security and counterinsurgency. In each case a strongly anti-communist military took power in order to defend the country against Marxism. And in each case the new military rulers unleashed a massive campaign of terror against their opponents. In each regime the greatest number of casualties occurred during the first period, immediately after the military coup (see Figure 1).

There were also important differences. The number of people killed in Argentina, as indicated above, was greater than in Chile in both absolute and per capita terms. Also, the nature of the enemy each regime faced was different, especially at first. The Chilean military took action against the Allende government and its supporters. Once the military took power the level of armed opposition it faced was minor. By contrast, the Argentine military deposed an ineffective government that had failed to curb a growing guerrilla movement.²⁹

But other than the number and kinds of targets, there were also important differences in how each regime organized coercion, and how this organization changed over time. We can compare and contrast these differences by focusing on three dimensions – centralization, specialization, and secrecy – and by analyzing the relationship between these dimensions and the internal and external monitoring we have discussed.

Centralization

Coercion at first was organized in a relatively decentralized manner in each regime, though much more so in Argentina. In both countries, each branch of the armed forces³⁰ carried out raids against opponents, took prisoners, and practiced tortures and summary executions. But the level of decentralization in Argentina was higher than in Chile as a result of a number of factors.

²⁹ The military claimed it fought a “Dirty War” against a well-organized, though secretive, opponent. But the actual levels of guerrilla activity, while certainly greater than in Chile, were nevertheless negligible. According to the best estimates, the guerrillas numbered some 2,000 at the height of their power (Brysk 1994: 197; Frontalini and Caiati 1984: 63). Cf. also Cavarozzi (1985). The military’s claims to have fought a “war” are largely self-serving and exculpatory. Andersen (1993) systematically rebuts the claim and shows that even at the peak of their power the guerrillas never posed a serious military threat to the armed forces, which were about a hundred times more numerous. But it is telling that the myth of the Dirty War is also perpetuated by sectors within the Peronist party (*Partido Justicialista*). The Undersecretary for Human Rights under the (Peronist) Menem government, Dr. Alicia Pierini, argued that the Peronists have a “different view” of human rights than many other sectors in society. “We experienced a civil war,” she noted, “where *we* suffered the blunt of the repression.” She also argued that the war ended with a “peace treaty” in which each side made compromises. “The military accepted democracy, and we accepted the pardons (*indultos*) [issued by Menem]” (Interview, Buenos Aires, April 26, 1996).

³⁰ The Army, Navy, Air Force, and Carabineros in Chile, and the Army, Navy, and Air Force in Argentina.

The first and most important of these is that in Argentina power was divided much more radically among each branch of the armed forces. The Argentines divided the country into separate spheres of control for each branch of the armed forces, with the Army, Navy and Air Force each essentially enjoying complete control over large sectors of the country.³¹

Moreover, although the broad outlines of repression were set at the center in both countries, in practice there was a great deal more autonomy in Argentina over which enemies to target and in which ways. Brysk writes that

... each service, each military zone, each concentration camp, and even each task force had considerable latitude in deciding whom to detain, whether and how much to torture them, whether to officialize, release, or execute them, and how to dispose of their children and property. ... As one who was a political prisoner at the time (and subsequently, a Peronist legislator) put it: "In those days, the country was feudalized; there were guys decorated by the First Corps, kidnapped in the Second, killed by the Third, and vindicated by the Fifth" (Brysk 1994: 39).³²

The Argentines also relied to a far greater degree than the Chileans on paramilitary task forces (death squads) to carry out detentions, tortures, and assassinations.³³ This kind of organizational decentralization was a key strategy of counterinsurgency: the fight against an enemy decentralized in clandestine cells was thought to require similar kinds of organization.³⁴ There was also a great deal more personal corruption among the agents of repression in Argentina. Taking possession of a victim's property was often an important incentive for agents to take part in repression.³⁵

In Chile, the bulk of the repression was carried out in a much more centralized fashion. During the first few months after the coup, when all branches of the armed forces took part in coercion, there was far less organizational autonomy than in Argentina. Instead of allowing the division of the country essentially into "fiefdoms",

³¹ In Chile only the Army and Carabineros had an organizational reach that extended throughout the country. The Navy and Air Force took and held prisoners in their respective regiments and bases, but their reach was limited by the fact that they simply have far fewer bases. The Navy, however, was essentially given control over the city of Valparaíso, the most important port and the center of Navy operations.

³² Brysk quotes Moncalvillo and Fernández (1985: 29-33).

³³ Paramilitary groups had begun operations before the coup. The *Alianza Anticomunista Argentina* (AAA) was set up in 1974 by José Lopez Rega, President Isabel Perón's Minister of Social Welfare, often called the "Rasputin of the Pampas". Cf. Brysk (1994: 30, n. 50-52), Andersen (1993: 94-123), and CONADEP (1995 (1984): xi-xii). The military replaced the activities of the AAA with its own task forces.

³⁴ This ideology can be traced back in particular to French tactics developed in Indochina and Algeria. The methods were popularized by the works of Col. Roger Trinquier, which were widely read among the military establishment of Latin America in the 60s and 70s. See Trinquier (1976; 1980).

³⁵ The most notorious difference between Chile and Argentina in this regard was the Argentine practice of keeping the babies of detained expectant mothers. The search for these children, many of whom were brought up by military officers' families, has been championed by the Grandmothers of Plaza de Mayo (*Las Abuelas*). The well-known movie *La Historia Oficial* centers on the crisis of one military officer's wife who realizes that their adopted daughter was illegally taken from a woman in detention.

there were constant efforts from the center to ensure that coercion was applied consistently across the country.

The most notorious of these efforts is the Arellano mission in October 1973, now popularly known as the “Caravan of Death” (Verdugo 1989). The purpose of the mission was to coerce soft line field commanders to adopt a harder line against the prisoners under their charge facing war tribunals. Arellano and his men carried out many summary executions in an attempt to “speed up” the trials. Despite the brutality of the killings, the mission largely failed to ensure that all field commanders adopt a uniformly hard line. Instead, it is likely that the failure of the mission fueled to the initiative to create a separate security counterinsurgency agency.³⁶

The first of these was the DINA (*Dirección Nacional de Inteligencia*), which began official operations in early 1974.³⁷ When it did so, the other branches of the armed forces largely retreated from the task of political coercion.³⁸ The DINA was technically put under the command of the Junta, but in practice answered only to Pinochet, for whom it served as an instrument to accumulate power. The DINA was replaced in 1977 by the CNI (*Central Nacional de Informaciones*), an institution controlled by the Ministry of Interior.

In sum, coercion in Chile was more centralized than in Argentina at first, and became even more so. In Argentina there was little or no change that compared to the creation of institutions like the DINA or CNI. Coercion continued to be carried out in a decentralized manner, by all three branches of the armed forces.

Specialization

Specialization refers to how selectively both the victims and the victimizers are chosen. A highly specialized coercion regime would select victims according to much more narrow criteria than a less specialized regime, which would tend to target coercion against broader sectors of the population. A less specialized regime is a blunt weapon. Specialization ensures that coercion is applied more narrowly.

A comparison of specialization in Chile and Argentina also reveals important differences. In Chile coercion became more specialized while in Argentina specialization remained relatively unchanged.

In Chile immediately after the coup coercion was applied as a blunt weapon, against broad sectors of the population, with low specialization among victims and

³⁶ I lay out this argument more fully in Chapter II of my dissertation.

³⁷ Unofficially, a group of army officers led by Colonel Manuel Contreras had begun operations from the Army’s War Academy since shortly before the coup.

³⁸ Tensions between the DINA and the military branches remained throughout. The Air Force’s intelligence service (SIFA), in particular, was instrumental in setting up a rival counterinsurgency agency, the *Comando Conjunto*. Carabineros set up its own intelligence and operations branch, the DICOMCAR (*Dirección de Comunicaciones de Carabineros*) in 1979, as a way to take a more active role in counterinsurgency. While these agencies are responsible for human rights abuses, their operations never matched those of the DINA, and later the CNI.

agents. The victims included not only the left-wing supporters of the Allende regime but also sectors from the center and even the right wing. And as I have indicated above, all sectors of the armed forces took part in coercion. By early 1974, when the DINA began operations, Chile moved to a much more specialized kind of regime. Victims were more carefully selected and came almost exclusively from the left wing sectors.³⁹ And having learned the lesson that a broad-based application of coercion would be impracticable, the creation of the DINA allowed the withdrawal of the bulk of the other services from coercion.

By contrast, in Argentina victims were selected along more narrow lines than in Chile prior to the DINA period. While in Chile broad sectors of the population were targeted, in Argentina the armed forces and paramilitaries targeted union and other social and political leaders.⁴⁰ But again in contrast to Chile, there was no reform toward a more specialized targeting. In fact, the opposite is probably the case: coercion became less rather than more specialized.⁴¹

As for the agents of repression, Argentina retained a relatively unspecialized regime. No specialized institution like the DINA was ever created. Each branch of the armed forces took part in repression and all branches rotated their agents to ensure a pact of silence by widespread guilt.⁴²

Secrecy

Both Argentina and Chile learned that the kind of open coercion practiced in Chile immediately after the coup is politically costly. The sight of large prison camps and open executions created a serious political backlash and earned the Chilean Junta a great deal of international pressure.⁴³ The DINA aimed not only to centralize coercion

³⁹ Explain the stages: first the Socialists, then the MIR, then the PC. This was a narrowing logic, whereas Argentine was a widening logic.

⁴⁰ Cf. Andersen (1993: Chs. 12-14).

⁴¹ The reason why is suggested by General Ibérico Saint-Jean, who as Buenos Aires governor during the first Junta government stated that “First we kill the subversives; then we kill their collaborators; then ... their sympathizers; then those who remain indifferent; and finally we kill the timid” (quoted in (Roniger and Sznajder 1999: 21).) Brysk notes that “The decentralized and unaccountable repressive apparatus soon assumed a “life of its own”: victims were persecuted merely for social connections with other victims, or for affiliation with organizations erroneously labeled guerrilla front groups. And members of task forces sometimes even selected victims from the general population to satisfy personal grudges, sadism, or acquisitiveness” (Brysk 1994: 40).

⁴² Cf. (Roniger and Sznajder 1999: 20-21), and Brysk (1994: 39). A chilling account of this rotation is provided by Horacio Verbitsky’s interview of Captain (R) Francisco Scilingo. Scilingo took part in missions to kill opponents by throwing them from a plane, alive and drugged, into the open ocean. His was the first public confession of this practice. He states that the majority in the Navy took part in the flights, and that this rotation was a deliberate policy, a kind of “communion,” something “that had to be done.” He notes that “the whole country had been on rotation. Maybe one guy might have been able to avoid it, but only sporadically (*en forma anecdótica*). It was not one little group: it was the entire Navy [that took part]” (Verbitsky 1995: 31-32).

⁴³ The U.S. State Department praised the new Argentine Junta. A secret memo a week after the coup states that “Human rights could be a problem areas (sic) as the military clamps down on terrorism. To date, however, the junta has followed a reasonable, prudent line in an obvious attempt to avoid being tagged with a “Made in Chile” label” (U.S. Department of State (1976), quoted in Andersen (1993: 225)).

and target victims more selectively, but also to do so far more secretly. Human rights activists in Chile by early 1974 noted a new *modus operandi* of repression. Instead of holding prisoners in concentration camps or in military barracks, victims began simply to disappear. In Argentina, once the generals took power in March 1976 disappearances became the norm from the beginning, though carried out on a much larger scale than in Chile.

Secrecy in Chile and Argentina allowed the military rulers to claim plausible deniability. The victims had “killed each other” in internal disputes, or had “gone into exile”, or “underground.” Disappearances offered the military opportunities for subterfuge and evasion of their responsibilities in the repression.

TABLE 1 ABOUT HERE

To sum up, from this overview we can see that although both the Chilean and the Argentine militaries shared many ideological similarities, there were important differences in how each regime organized coercion. Apart from the difference in the varying degrees of centralization, specialization, and secrecy, the most striking difference revealed in Table 1 is that in Argentina there was no radical shift in how coercion was organized throughout the course of the dictatorship. There was a drop in the numbers of people killed after the first two years, but coercion remained decentralized, roughly targeted (and became even more so), and secretive. By contrast, even though in Chile coercion was organized in a decentralized, poorly targeted, and public manner at first, the Chilean Junta implemented reforms that brought greater centralization, specialization, and secrecy.⁴⁴

F. Monitoring and The Information Trap

These differences can be further analyzed according to internal and external monitoring and, in particular, the relationship between external monitoring and political opening. Once again we see that Chile and Argentina evolved in sharply different ways. While there was no monitoring to speak of in either country when the armed forces took power, Table 3 shows that Chile experimented first with internal monitoring (under the DINA) and later with external monitoring after 1978. No comparable shifts took place in Argentina.

TABLE 2 ABOUT HERE

The test for internal monitoring is a centrally controlled institution that oversees the work of other agencies. By this measure only the DINA in Chile comes close to performing an internal monitoring function. The DINA took over the bulk of coercion, and coordinated intelligence and security among the other branches. The DINA amassed unprecedented powers as it worked essentially without any guiding legal or political constraint. As a result, the DINA experienced the classic problem of internal monitoring: *who polices the police?* By the time the DINA was replaced by the CNI in

⁴⁴ The CNI was less secretive than the DINA, and did not carry out disappearances. Far fewer people were killed under the CNI, however. Victims were often tortured and then released.

1977 it was widely seen both inside and outside government circles as an institution that had grown too powerful and run out of control.⁴⁵

In Argentina there was no attempt to establish a single overarching mechanism or institution to monitor or guide the work of each branch as they carried out coercion. At most, each branch monitored its own divisions, and in particular its own intelligence agencies (Pion-Berlin 1989: 102-04). But there was no single internal monitoring agency that compared in scope to the DINA in Chile.

The mark of external monitoring is a more decentralized system of information gathering that relies not simply on one agency's reports but on information from a wider range of sources. A comparison of Chile and Argentina along this criterion also reveals that Chile moved toward external monitoring during the dictatorship while Argentina did not.⁴⁶

As we have already seen, the creation of the CNI in 1978⁴⁷ signaled a shift in coercion. But a series of other changes in the character of the regime during this time also marked the beginning of external monitoring in Chile. The efforts to rein in the new intelligence agency (by increasing central control and placing it under the supervision of the Ministry of Interior) coincided with a degree of political opening in 1978. The government lifted the state of siege and softened the curfews. A range of new social, political, and media organizations appeared.⁴⁸ A new civilian-led cabinet was installed for the first time. With this change, the executive also promised a stricter timetable for carrying out certain key reforms.⁴⁹ The most important of these was the announcement of a plebiscite on a new constitution, to be held in 1980.

The government also issued an Amnesty Decree for all the human rights violations since the coup. With the amnesty the Junta hoped to foreclose any future

⁴⁵ General Odlanier Mena, a long-time military intelligence expert who took over the CNI in 1978, was a noted critic of Contreras from within the army. He characterized Contreras' running of the DINA as unprofessional and against military interests. He noted that Contreras essentially confused "intelligence with security" (Interview, Santiago, October 7, 1996). Jaime Guzmán, a key civilian advisor to the Junta and also a noted critic of the DINA and Contreras, noted that he believed that the military government, largely thanks to the work of the DINA, had become a "wild bucking horse that needed to be tamed" Quoted in Fortín Mapocho (1989).

The other major example of internal monitoring in the Southern Cone dictatorships, of course, was Brazil's *Servicio Nacional de Inteligencia* (SNI), which amassed even greater powers than the DINA (Stepan 1988). Stepan argues that abertura in Brazil can be largely explained as an effort by the military leadership to establish alliances outside the ruling circle in order to check the growing power of the SNI.

⁴⁶ The shift to external monitoring in Argentina took place only after the collapse of the military regime and the transition to an open democratic system (*At₃*) with competing parties, a relatively free press, and a myriad human rights groups monitoring the police forces.

⁴⁷ The DINA was replaced by the CNI in 1977, and Colonel Contreras continued as head of the new institution. He was removed from this post in September 1977, and replaced by General Fernando Arancibia, an army hard-liner. General Odlanier Mena, a by-the-book intelligence expert, took over as CNI chief on January 1, 1978.

⁴⁸ The most important of these was the Comisión Chilena de Derechos Humanos (CCDH).

⁴⁹ Previously, the military Junta had resisted submitting to a timetable, preferring instead to talk only about specific "goals". The new civilian Minister of Interior, Sergio Fernández, described the centerpiece of his job as imposing time limits (*plazos*) on the regime's goals (Fernández 1994).

prosecutions against the armed forces. But because the decree covered only the period until 1978, it also signaled that in the future the government meant to act under greater restraint.⁵⁰

Information on the full extent of the human rights violations committed by the regime also gained increasing notoriety during this time. The DINA was linked to the Letelier assassination in Washington (a revelation which caused a deep political crisis inside the government during the early part of 1978 as a consequence of numerous pressures on the Chilean regime from the U.S. State Department).⁵¹ A serious crisis also occurred in November 1978 with the finding of the remains of prisoners executed soon after the coup.⁵²

As table 3 shows, the shifts in coercion, monitoring, and opening took place in Chile roughly at about the same time. By contrast, in Argentina external monitoring and political opening appeared only *after* the collapse of the military dictatorship and the establishment of an open democratic regime.

TABLE 3 ABOUT HERE

What difference did it make politically that Chile experienced such a radical shift during the dictatorship while Argentina did not? In both countries the number of people repressed by the regime dropped off after a couple of years, but otherwise the relationship between government and opposition was radically different.

In Chile in the aftermath of the 1981-82 economic downturn there was an upsurge in opposition mobilization in the form of strikes, mass protests, and a sharp increase in clandestine activity. The government responded harshly. There was a rise in the number of people killed by the state (See Figure 1), a return to a state of siege and to curfews, and scores of people were arrested and tortured by the CNI. But harsh though this repression was, it was carried out within stricter boundaries than before. There were no large-scale concentration camps, nor was there a return to the massive disappearances of the DINA period. And at no point did the government extend the amnesty decree further than 1978. In fact, in some cases the government was willing to act against the perpetrators of human rights violations, a move that would have been unthinkable a few years before. The best example of this was the 1985 shakedown in Carabineros in the aftermath of the assassination of three prominent communist leaders and Vicaría workers. The unit responsible for the crime was dissolved, the officers responsible were put on trial, the CNI itself produced a detailed report of the murders for the judge in charge in which it

⁵⁰ The debate over the amnesty, which is still in place, has been perhaps the most difficult issue of the transition to democracy. This debate has been reignited recently by the return of Pinochet from London.

⁵¹ Cf. Sigmund (1993).

⁵² With a symbolism whose significance was lost on no one, the remains were found in the ovens of an abandoned brick making factory in the town of Lonquén, just south of Santiago. Mónica Madariaga, Justice Minister during this time, later claimed that this revelation caused her to be aware, for the first time, of the full extent of the human rights violations under the dictatorship. She noted that until then she had lived inside a “bubble”, which was pricked by Lonquén (Interview, Santiago, January 20, 1997). Although it stretches the imagination that someone so closely affiliated with the government could have been so unaware for so long, Madariaga’s statement is a good indicator of the stir caused by the finding.

implicated *Carabineros*, and Carabineros Director General Mendoza – one of the four Junta members – resigned as a result of the case’s notoriety.⁵³

Moreover, a wide array of opposition magazines as well as social and political organizations continued to operate and to criticize the government publicly throughout the increase in repression. And there were many attempts at negotiations between the government and sectors of the opposition. The Junta appointed an old-time conservative politician, Sergio Onofre Jarpa, as Minister of Interior. One of Jarpa’s principal tasks was to open a dialogue with the opposition. Even though talks with the center-left Alianza Democrática⁵⁴ collapsed after a year, the Church hosted new talks between politicians from the center and left. Moreover, after 1983 political interests on the right also began to coalesce in different streams. Sectors of the right positioned themselves for a future democratic regime by trying to distance themselves from Pinochet.

By contrast, in Argentina the government responded to increased social discontent (which resulted from the human rights violations and the economic dislocations of the neoliberal reforms carried out under Martínez de Hoz) with a variation on the classic Roman formula. Instead, of bread and circus, the Argentine Junta tried to divert attention away from growing domestic problems with circus and guns. It built nationalist fervor when Argentina hosted the 1978 World Cup soccer finals,⁵⁵ and a few years later, with popular support faltering, it tried to do the same thing with the extremely risky gambit of the Malvinas invasion.

We can compare these differences by turning to the three claims made previously about the Information Trap: opening increases the costs of reversal to a more closed regime, broadens the boundaries of who counts as a legitimate political actor, and makes the dynamic between dictatorship and opposition less of a winner-take-all game. These three phenomena can serve as independent tests.

First, how costly was reversal to a more closed regime? Second, how wide were the boundaries of who counted as a legitimate political actor after the shift? And third, was the dynamic between political opponents a winner-take-all game or one of negotiations?

First, there are signs that in both countries repression became more costly over time. At the very least, the number of people killed or imprisoned was reduced drastically after a few years, and even though the levels of repression fluctuated, in neither regime was there a return to the original levels of violence. Given that only Chile experienced a shift to external monitoring (and therefore, according to our prediction, fell into the information trap), the relative costs of repression alone are at best a necessary but

⁵³ For an account of the case written by the Vicaría lawyers in charge of the case against Carabineros, see Caucoto and Salazar (1994). For background on Carabineros, see Maldonado (1990).

⁵⁴ This was an early version of collective action between sectors of the Christian Democrats and Socialists. This alliance later formed the basis of the Concertación de Partidos por la Democracia, the political coalition that has governed Chile since the end of the dictatorship.

⁵⁵ Brysk writes that “Like many repressive regimes before and since, the dictatorship used sports as a source of cathartic mobilization and nationalist stimulation” (Brysk 1994: 58).

not a sufficient condition for the information trap.⁵⁶ To obtain a fuller picture we need to complement our comparison with the next two tests.

On the second and third tests, there is a sharp contrast between both countries. There was no Argentine equivalent of the numerous negotiations attempts that took place in Chile between government and opposition. The Argentine regime insisted on remaining unconstrained by the political interests of the opposition. But by refusing to submit itself to any constraints, it perpetuated a risky game of winner-take-all.

TABLE 4 ABOUT HERE

G. Conclusion: The Paradox of Truth vs. Justice

The paradox of truth vs. justice is that in the country with more truth during the dictatorship there was less justice afterwards. A well-organized human rights movement in Chile during the dictatorship compiled systematic public information about the human rights violations, while in Argentina the movement was weaker and similar information was far patchier. Yet Argentina got justice, while Chile got negotiations.

In this paper I have outlined a plausible explanation for this paradoxical outcome. The Chilean and Argentine military governments faced a similar problem in how to organize coercion, but adopted radically different solutions. Chile experimented first with internal and later with external monitoring. With external monitoring, the Chilean Junta became constrained by the information trap. Opening resolved the agency problem but made it more difficult to resolve the support problem, insofar as the government was forced to tolerate a wider range of opposition. The trap required government restraint but also offered new opportunities for negotiation between political enemies who increasingly recognized each other's legitimacy. In Argentina, by contrast, the failure of the military to grant any openings or to negotiate with the opposition, made for a more unstable, "winner-take-all," kind of politics. When the regime collapsed, the democratic opposition enjoyed maximum leverage over its opponents.

Can a strong human rights movement that collects accurate and systematic information on state crimes force a closed dictatorship to open up? The guarded answer is probably not, so long as the dictators insist on absolute control. Even though the Argentine example of regime collapse appears to offer an appealing consolation prize, such optimism would be premature. Had the Argentine Junta chosen to negotiate with the opposition instead of invading the Malvinas it would likely have had a much stronger hand to play during the transition.

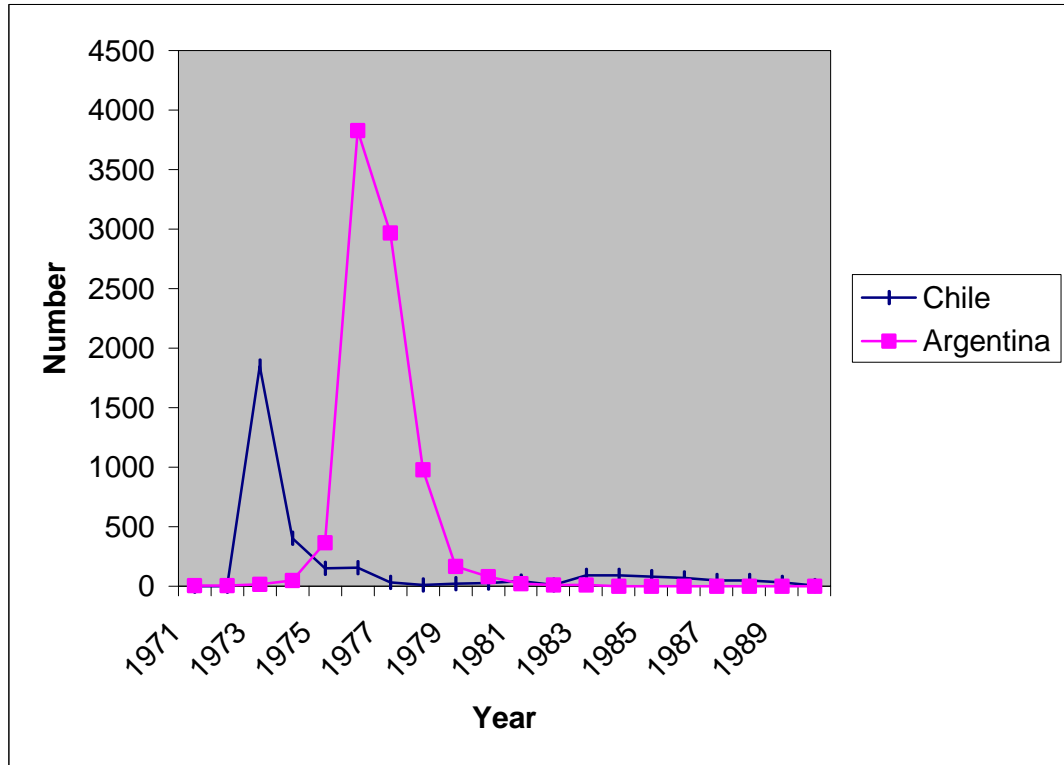
The central finding presented in this paper is that a strong human rights movement can help to further pry open a regime willing to accept some restraints. The information these groups provide can serve to push back the boundaries of repression beyond those initially contemplated by the government.

⁵⁶ In other words, opening and external monitoring are not the only ways to increase the cost of repression.

The cynic would ask why one might be interested in negotiating with a dictatorship if, as the Chilean case exemplifies, this can later make it more difficult to obtain justice for state crimes. But the cynic's conclusion would also be premature. True, in the short and medium term a dictatorship willing to accept some limitations is more likely to avoid an undesirable outcome such as justice for state crimes. But in the long run, a frame of reference admittedly beyond the scope of this paper, the story is probably a little different. In Argentina when the military regrouped after the humiliation of the Malvinas and the trials, a few well-timed rebellions eventually resulted in presidential pardons. And further attempts at justice are hampered by the fact that many top officers have already been tried. In Chile, by contrast, the large body of evidence on human rights violations was essential in the decision to arrest Pinochet in Britain, and has helped budge Chilean courts much closer in recent years to overcoming the obstacle of the Amnesty Decree. Many top officers have been tried, and many more, including Pinochet, are facing the prospect of future trials.

The guardedly optimistic conclusion is that with good information justice will eventually be served. The ability of courts around the world to bring perpetrators of state crimes to justice in the coming years will serve as a test for our best hopes.

Figure 1: Number of Victims per Year



Sources: Argentina: (Asamblea Permanente por los Derechos Humanos 1982: 32; Brysk 1994; Norden 1996: 59), Chile: (Comisión Nacional de Verdad y Reconciliación 1991; Corporación Nacional de Reparación y Reconciliación 1996; Padilla Ballesteros 1995)

Table 1: The Evolution of Coercion in Chile and Argentina

	Chile				Argentina		
	Ct_1	Ct_2	Ct_3	$(Ct_4)^*$	At_1	At_2	$(At_3)^*$
Centralization	Low	Med	High		Low	Low	
Specialization	{ Agents Victims	Low	Med	High	Low	Low	
		Low	Med	High	Med	Low	
Secrecy	Low	High	Med		High	High	
Key Institutions	All 4	DINA	CNI		All 3	All 3	

* Note: (t) refers to the period after the transition to democracy.

Table 2: Internal and External Monitoring in Chile and Argentina

	Chile	Argentina
Internal Monitoring	1974 (DINA)	None
External Monitoring	1978 →	None

Table 3: The Evolution of Coercion, Monitoring, and Opening in Chile and Argentina

	Chile				Argentina		
	Ct_1	Ct_2	Ct_3	$(Ct_4)^*$	At_1	At_2	$(At_3)^*$
Centralization	Low	Med	High		Low	Low	
Specialization	<i>Agents</i>		Low	Med	High	Low	Low
	<i>Victims</i>		Low	Med	High	Med	Low
Secrecy	Low	High	Med		High	High	
Key Institutions	All 4	DINA	CNI		All 3	All 3	
Monitoring	None	IM	EM	(EM)	None	None	(EM)
Opening	Low	Low	Med	(High)	Low	Low	(High)

Note: t in () refers to the period after the transition to democracy in each country.

Table 4: Three Tests of the Information Trap

	Chile	Argentina
1. Cost of reversal	High	Med-High
2. Boundaries of politics	Wide(r)	Narrow
3. Opposition dynamic	Contestation	Winner-take-all

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