

To What Extent Has Argentina Overcome Its Military Past?

Written by Stephen Levene

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STEPHEN LEVENE, MAY 14 2015

The involvement of the military in politics has been common within Latin America with Argentina being no different. The Argentinian army has played an important part in numerous political developments in Argentina. As a result Argentina's road to democracy has been difficult with military intervention, the installation of authoritarian, and often violent, government recurrent. This trend in Argentine politics ended following the collapse of the military junta of 1976-1983 with a transition to democracy. This essay will look to identify the key factors differentiating Argentina's military past with this new era of democracy and assess whether Argentina has been successful progressing towards democracy before concluding that although major progress has occurred there are limitations that show the consolidation of democracy is not fully complete.

Once a highly regarded Argentinian institution 'the military has lost its former prestige in light of their war crimes' (Finchelstein, 2014, p. 259). In contrast to contemporary democratic Argentina, the military's involvement in Argentine political life is long and can be attributed to the legacy of Juan Peron's first Presidential term, 1946-1955. Goldwert describes Argentina during Peron's first year as a country of 'ample political sophistication – with a democratic tradition' (1972, p. 97). However, it is clear that by the end of Peron's presidency democratic tradition had been replaced with a militaristic tradition. Goldwert claims Peron's 'popular integral nationalism provided the substantial civilian support that was a prerequisite for enduring military rule' (1972, p. 97), whilst Finchelstein stresses Peron's populism resulted in 'the expansion in social rights with the limitation of political rights' (Finchelstein, 2014, p. 66) for the electorate. Fiet identifies the relationship between the strength of the army and the volatility of the working classes writing that, '[a]s Peron's prestige declined, after 1951, and inflation eroded workers gains, more money and more men were directed to the army to maintain their support' (1973, p. 57) creating an uneasy alliance with Goldwert suggesting that from Peron's accession the army became increasingly fused with the state apparatus, allowing it to monopolize and strengthen its hold on coercion and violence. The consequence, an army whose fate was increasingly linked with political developments, became politicized.

This is most prominent during the last Military Junta of 1976-1983 and its heavy involvement in the abuse and killing of up to 30,000 Argentinians (Finchelstein, 2014, p. 122). This period of state-terrorism by the military junta is referred to as the 'Dirty War'. Victims included those seen as enemies of Argentina – dissidents, left-wing activists, trade union leaders, and their associates. This view is supported by research by Dietrich Rueschemeyer who argues that control of the state apparatus by the military, the relationship of the military with international actors and class power struggles (Bowman, 1996, p. 291) impacted the development of a democratic Argentinian state.

When assessing the military's role in contemporary Argentina it is clear that Argentinian society has overcome its military past to a large extent. The military's involvement in politics and its amalgamation into a bureaucratic-authoritarian regime ended in 1983 and since then democracy has persevered in Argentina. However, as O'Donnell pointed out these military regimes often justify their existence by arguing that they themselves are necessary for the ultimate achievement of democracy (Norden, 1996, p. 425) and for the benefit of the nation-state. This is somewhat true in Argentina's case, where the Junta originally defined its goal "to restore authentic representative democracy" this was quickly changed to the consolidation of "spiritual and moral values" (Potash, 1996, p. 197). Argentina's transition towards democracy highlights the shift from support for the Military Junta to the resurfacing of democratic

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ideals, and attempts to control the democratic transition by the military were repeatedly deflected by the new political parties, illustrating the swing in public sentiment. A pact demanding that civilians accept 'military conditions vis-à-vis the judicial system ... the future role of the armed forces ... foreign policy and the dirty war' (McSherry, 1997, p. 108) was rejected alongside attempts to create a guardian role for the armed forces. Unlike other Latin American countries such as Chile and Brazil 'where foundation pacts consolidated military tutelage' (McSherry, 1997, p. 3) Argentina's new democracy was not constrained by pacts, allowing a comparatively undiluted path for consolidating democracy and preventing a 'privileged place for the military' within Argentinian society (Mcsherry, 1997, p. 7).

The changing role of the Argentinian military is further evidence that Argentina has overcome its military past. If, according to Tedesco, the aim of the military in 1976 was to 'subordinate and control the working class, to undermine its capacity to organise itself as a class and express itself politically' (1999, p. 24) then the inability of the military to achieve that after Alfonsín's Presidency (1983-1989) displays strengthening democratic tradition in Argentina. Alfonsín's term was characterised by a transitional phase in the country's road to democracy with O'Donnell arguing that Alfonsín was able to install democracy but unable to consolidate it (Peruzzotti, 2001, p. 133). During Alfonsín's Presidency the legacy of the Military Junta survived within a group called the *Carapintadas*, who drew a majority of its members from the authoritarian-nationalist sections of the military. The *Carapintadas* stood against the civilian government and its attempt to democratize such as: the establishment of the rule of law, the separation of the judicial branch from government, and the persecution of military personnel in civilian courts. Violent action against the government was traced to military intelligence with practices reminiscent of those used during the 'dirty war' suggesting that sections of the military continued to operate autonomously outside democratic practices. McSherry reveals evidence linking the military to the *Carapintadas* and to the violence writing that 'retired army officers', linked to the *Carapintadas*, were arrested and confessed they belonged to an "irregular national army" formed in 1985, fighting for Fatherland, God, and Home' (1997, p. 179). However, under the Presidency of Menem (1989-1999), the commander-in-chief crushed a *Carapintadas* uprising alongside the government 'in the name of military discipline and political democracy' (Linz, 1996, no page) showing a clear divergence from previous military antagonism on all levels towards larger sections of the military establishment accepting democracy. This links back to O'Donnell's research where he concludes that '[t]he military in a consolidated democracy responds to the directions of government, rather than forcing the government to respond (or anticipate) its demands' (Norden, 1996, p. 428).

Therefore, in conjunction with Linz's research we can identify a shift in the political economy of Argentina towards democratic tradition. During the early years of the Junta there was 'an absence of protest from the working class' (Pion-Berlin, 1985, p. 55) suggesting tacit support or the success of the military's goals mentioned above. However, a rally held by Alfonsín in 1985 attracted 250,000 civilians demonstrating 'the majority of Argentinians supported democracy' and 'resisting the imposition of guardian democracy' (McSherry, 1997, p.181). Whilst support for democracy has risen by 5% between 1995 and 2013, holding steady between 60-70% even through economic crisis (Latinobarómetro, 2013). This is vastly different to when the alliance between military and working class collapsed at the end of Perón's Presidency, which led to calls from a militant right for a 'return to the symbiosis of Church, army, and fascism that Peronist populism had structurally reshaped' (Finchelstein, 2014, p. 95). Thus in referral to the military's role in Argentinian politics, Argentina has broken with its military past.

When assessing whether a country has progressed from previous periods of rule to new ones it is important to examine the structures and institutions employed and used by the old regimes and whether significant reform has occurred. In Argentina's case the role of the army, the Judiciary and the Church all played large roles in the military regimes of Argentina's past. Analysing how effective reform or attitudes in these structures and institutions have changed is a good indicator for calculating the extent Argentina has overcome its military past.

The role of the army as a central institution for government has greatly reduced since 1983. Alfonsín's changes to the structure and organisation of the army 'reduced the military's political autonomy and influence' by transferring key decision making from the army to 'civilian-led Ministry of Defence' (Hunter, 1997, p. 462). Samuel Huntingdon reinforces this praising Argentina for removing the military from 'extramilitary activities' such as internal security and national development (1995, p. 12) which he claims has resulted in the strengthening of civilian control. This removal and marginalisation of the military as a core institution was continued and advanced by Menem's government who ended conscription in 1994 (Hunter, 1997, p. 463). Reducing the role of the army in the lives of the population

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consequently limited unfounded adherence to military values, beliefs and doctrines found prior to 1983.

The separation of powers, or more importantly the separation of the judiciary from the executive and legislature, is essential for democracy. The rule of law ensures that governments do not operate above the law otherwise 'tyranny is the outcome' (Chavez, 2004, p. 3). Kristen Walker identifies the importance of permanent judicial independence from other branches of government stating 'the separation of judicial power must be strictly adhered to if it is to have any efficacy in achieving its purpose' (2009, p. 26) with attempts to undermine judicial autonomy by presidents after the fall of Argentina's last military junta bringing this issue into question. It is to be expected that the military dictatorship abused its use of the courts. The junta 'utilized pre-existing institutions, including the courts, to govern...' but '...did not use those institutions according to the norms established by the Constitution' (Fiss, 1993, p. 63). It appointed its own Supreme Court and used it to legitimise its policies. 'All judges, most newly appointed, had to swear to uphold the *Proceso* statutes and objectives' (McSherry, 1997, p. 91). We see a break from executive dominance of the judiciary under Alfonsín's government. Alfonsín's plans to not persecute a large section of the army were thwarted by pressure from the 'Judiciary for the punishment for all the Armed Forces who were involved in the implementation of state terrorism' (Tedesco, 1999, p. 65).

The judgement of mass atrocities, evidenced by the creation and success of the Truth Commission and junta trials highlight a progressive transition away from the practices of the military dictatorship, yet some of the actions by Alfonsín and his successor Menem suggest that this progress was limited. Mimicking the military junta Alfonsín replaced all justices with his own (Helmke, 2002 p. 292) while 'President Menem proposed legislation increasing the number of justices from five to nine, and ... proceeded to fill the newly created vacancies with candidates of his own choosing' (Fiss, 1993, p. 62). An obvious assault on the capability of the Judiciary to operate autonomously and independently consequently reducing the plausibility that judicial reform was implemented meaningfully. Yet more recently, under the Kirchner governments, we see a reestablishment of democratic principles. Nestor Kirchner overhauled Menem's Supreme Court which was 'widely viewed as politicized and corrupt' and annulled laws limiting prosecution of the military junta (Levitsky, 2008, p. 17) displaying an adherence to a limited military role in Argentinian politics.

Although it seems clear that the political executive has made progress in distancing itself from the political processes of the past there seems to be a pattern emerging in the new Argentine democracy among its elected leaders. It appears that traces of authoritarian government still remain. The pattern to strengthen and consolidate the power of the reigning leader has been a reoccurrence since Alfonsín and can be seen right up until the present day. Having already discussed Alfonsín and Menem above it is important to explore the era of the Kirchners in power for it is normal to assume that as the years progress those in power would have developed a proper respect for its constitutional processes. However this progress is again limited. The use of emergency decrees (*decretos de necesidad y urgencia*, or DNUs) to bypass Congress was rife during Nestor's Kirchner's presidency issuing 249 DNUs to 'pursue his policy agenda' (Manzetti, 2014, p. 180; Levitsky, 2008, p. 19). In contrast to her husband's advancement of judicial autonomy Cristina Fernández de Kirchner has tried restrict the ability of the judiciary to oppose the executive by restricting its ability to issue injunctions against the government and flooding it with candidates affiliated with her party (Manzetti, 2014, p. 183) – a clear attempt to control the judiciary. Considering that institutional dominance of the executive over the judiciary was a key feature during the era of the military Junta the attempt of Kirchner to weaken the judiciary's independence is an observable echo of Argentina's authoritarian past.

Corruption has also found itself at home within the successive Kirchner governments. Along with accusations of buying congressmen with briefcases of money (Manzetti, 2014, p.179) (an accusation repeated in many other countries without a strong entrenched democratic system) there have been some deeper instances of government corruption that demand attention. One example is the attempt by the government to break-up Grupo Clarín, a big media conglomerate, and long-term critic of the Kirchners. In 2009 Congress approved a controversial media law that would force the company to divest most of its assets. Kirchner claimed that this was part of a policy of decentralizing media power – a dubious claim bearing in mind that the Kirchner government in some form controls nearly 80% of Argentine media (Greenslade, 2012). There were also rumors that judges ruling against the government could face impeachment, under the guise that it would be an "insurrection of national law" (Politi, 2012) furthering arguments of corrupt governments tampering with the judicial process. Freedom House reinforces the

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point of government corruption stating that 96% of new media licenses are now given to media run by or who support the government which it declares has 'hindered the public's ability to receive fair and accurate information' (Freedom House, 2014). Even so, according to Freedom House in comparison to 2004 the Argentine press is freer now than it was.

Also reminiscent of the junta's past are the recent developments relating to the death of Alberto Nisman, a prosecutor who had accused Kirchner of conspiring to cover up Iran's role in the bombing of the Argentine Israelite Mutual Association (AIMA) in 1994. Kirchner in a televised speech suggested that those involved in Nisman's death, chiefly his friend Diego Lagomarsino, was a rogue member of the Argentina secret service (Goni, 2015), similar to the legacy of the *Carapintadas* (see above) who operated outside democratic practices. With all this in mind, however, Freedom House holds Argentina to be one of the freest countries in the world signifying major progress away from the closed, oppressive authoritarian government of the military junta.

Religion also plays a very important part in Argentinian life and therefore the role of the Argentinian Catholic Church must also be assessed. The views of the Catholic Church on the 'Dirty War' and other past crimes have not shifted greatly since the transition towards democracy began, implying that Argentina still holds institutional links to its military. Associations with the military are historical with military values of 'order, authority, and patriotism, closely linked to the values of the powerful Catholic Church' (McSherry, 1997, p. 33) with support for the 'Dirty War' between 1976 and 1983 attracting support from many of from the upper echelons of the Church hierarchy (Trobat, 2007). Evidence has also surfaced that the Church acted in collusion with the junta to disappear or silence opposition. This support seems to have penetrated through into contemporary democratic Argentina with the Church not publically recognising its involvement in the atrocities, preferring to remain silent signifying an 'ideological and practical support of the repression' (Finchelstein, 2014, p. 160) within the institution of the Church itself. Whilst *The Guardian* writes that the Church publically apologised for inaction against the military in 2000 it also states that Pope Francis, the head of the Argentinian Jesuit Order in 1976-79, backed the military regime and up until this day refuses to speak publically on the matter (Watts, 2013) revealing the prevalence of military mentalities within Argentina's institutional framework.

To conclude it is clear that Argentina has made some real democratic progress since 1983 allowing the essay to strongly argue that Argentina has overcome its military past to a very large extent. The biggest and most important step taken was the removal and continued separation of the army from the structures of government and this has been upheld from the onset of democratization through to contemporary times. There were some obstacles to this transition, such as elements of the army operating autonomously outside the law and the attempts by Alfonsín and Menem to bend new practices to their will. However, these were met with limited success and democratic practice was quickly restored. The governments of the Kirchners have also not been completely free of actions that are counter to a clean democracy but policies that could be said to be regressive do not represent any real return to the past. On top of this some old structures, such as the Catholic Church have survived however, significant reform of other major institutions and structures have occurred and observed suggesting that a new respect for constitution, government, democracy and the rule of law have finally found its place within Argentinian politics.

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