Unsettling Accounts: Perpetrators’ Confessions and the Media*

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Panel: Mass Media in Transitional Justice Contexts: The International Experience
Truth, Historic Memory and Mass Media
Fundación Ideas para la Paz (FIP), Semana Magazine, International Center for Transitional Justice (ICTJ)
Bogota, Colombia
November 28, 2007

Paulina: I want him to confess. I want him to sit in front of that cassette recorder and tell me what he did – not just to me, everything, to everybody...with all the information, the names and data, all the details. That’s what I want.

Gerardo: He confesses and you let him go.

Paulina: I let him go.

Gerardo: And you need nothing more from him?

Paulina: Not a thing. (Dorfman 1991, 41)

Paulina’s lines from Ariel Dorfman’s dramatic play Death and the Maiden express a prevailing belief about the political power of confessions made by perpetrators of state violence. She contends that if her torturer confesses to what he did to her, she will need “nothing more” to move on in her life, to settle accounts with the past. What Paulina and Gerardo discover as the play unfolds is the complexity of confessions by authoritarian state perpetrators. Their confessions do not settle accounts with the past; rather, they unsettle them.

They do so in various ways. Perpetrators’ confessions unsettle listeners who learn disturbing and lurid details of past authoritarian state violence, sometimes for the first time. They unsettle, or break, the silence over the past imposed by forces within democratic societies that wish to leave the past behind, to close the book on it. These confessions, however, do not necessarily disclose truths about the past. They are merely accounts, explanations and justifications for deviant behavior, or personal versions of a past. (Scott and Lyman 1968, 46-47) As such, they unsettle, or compel, audiences of victims, survivors, and human rights activists to assert their own, often contending, interpretations of the past. While victims and survivors demand accountability, authoritarian regime supporters defend the past, denying and silencing negative portrayals of it. Conflict erupts over confessions as social actors dispute interpretations of what happened and compete for power over whose interpretation will shape the political agenda, the terms of public debate, and the outcome of that debate.

The charged political talk generated by confessions of past authoritarian state violence challenges democratic theories. Hope in the transitional justice literature that perpetrators’ confessions might lead to reconciliation, defined as resolving past quarrels or bringing competing sides into friendly agreement, overlooks the often irreconcilable differences between victims and perpetrators. Rather than apologize for their acts, perpetrators tend to rationalize them and minimize their own responsibility, thus heightening, rather than lessening, tension over the past. Dialogue over the authoritarian past appears to threaten democracy and not lead toward reconciliation. Some groups, thus, call for censorship of ideas or vigilante justice. Deep fissures emerge as groups struggle for political power. Governments attempt, often without success, to suppress debate in the interest of peace and democracy. Ideological polarization, anti-democratic attitudes and policies, and dialogic warfare emerge and unsettle democracies.

Even in this unpropitious political climate, however, democratic debate over past state violence becomes possible. I call this contentious coexistence, or a conflictual dialogic approach to democracy in deeply divided societies. Contentious coexistence emphasizes the reality and importance of competition over ideas and conflict over values and goals. Emotion overpowers
reason in these charged environments, but does not necessarily threaten democracy. Consensus, harmony, and equality are unlikely outcomes. On the other hand, contentious debate enhances democratic practices by provoking political participation, contestation, and competition. Through those processes it makes possible public challenges to prevailing anti-democratic attitudes, behavior, and values in society. Contentious coexistence, in short, offers a more realistic understanding of dialogic practices in democracies, as well as a better alternative to reconciliation processes that suppress political talk.

Perpetrators’ confessions provide insights into the process of contentious coexistence. Perpetrators speak out despite social sanctions and laws, and sometimes even against their rational self-interest. Their speech sparks profound political conflict. This conflict, however, is largely discursive. Democratic societies can encounter, and even encourage, confessions without threatening democratic speech or political stability. Indeed, perpetrators’ confessions offer a pathway to enrich democracies.

This is not an entirely novel idea. The South African Truth and Reconciliation Commission (TRC) made perpetrators’ confessions a central and unique feature of its process toward settling accounts with the past and building a new democratic South Africa. Apartheid-era perpetrators received amnesty in exchange for confessing to political violence. Valorizing perpetrators’ confessions in a public process to reach truth and reconciliation made the TRC a model for other countries emerging from authoritarian state violence. Nevertheless, to date no other countries have adopted the confessional model of reconciliation. Truth commissions elsewhere have provided amnesty without requiring perpetrators’ confessions. Confessions, in these cases, have emerged outside the transitional justice apparatus. South Africa remains a phenomenon often explained by its propitious political climate: the international delegitimation of the apartheid regime, its electoral defeat by its erstwhile enemies (the African National Congress), and Nelson Mandela’s conciliatory leadership. Even in the favorable post-apartheid climate, perpetrators’ confessions unsettled, rather than settled accounts with the past. South Africa’s democracy advanced, in other words, out of contentious dialogue, not through shared values and goals, reasoned deliberation, or conflict avoidance.

South Africa thus provides valuable insights into contentious coexistence. It demonstrates that new democracies can survive profoundly unsettling and even anti-democratic political discourse. Democracies may even thrive in such climates. Contentious coexistence embraces political contestation as a fundamental pillar of democracy. Moreover, rather than advocating the lofty and elusive goals of consensus or reconciliation, contentious coexistence rests merely on open and democratic debate.

Debate, however, involves more than political speech (the confession). Focusing on speech or confession alone gives undue political power to perpetrators in society. Contentious coexistence, therefore, includes the interaction of political speech in a wider political context. A political drama unfolds. Perpetrators and their audiences vie for political power: who tells the story of the past (actor), what they say (script), how they say it (acting), where (stage) and when (timing) they say it. Sectors of society (audiences), moreover, clash over interpretations of the political meaning behind confessions. Comprised not only of victims, survivors, and human
rights activists, but also members of the authoritarian regime and its civilian supporters, these audiences use perpetrators’ confessions to advance particular political positions. They struggle over the facts, the interpretation of them, and their significance for contemporary politics.

The media plays a critical role in confessional performances. It provides a stage on which perpetrators present their script. But it also engages a broad audience in interpreting and debating the political meaning of perpetrators’ confessions. As stage and audience, therefore, the media has the potential to advance democratic practice.

□ The Actor and the Performance □

Because they are novel, mystifying, or deviant, perpetrators intrigue audiences. Audiences perhaps unconsciously believe that if they know more about perpetrators they can protect themselves from them. Or perhaps audiences find perpetrators’ power alluring. Perpetrators, after all, “do” violence; victims are “done to.” (Taylor 1998, v) Observers of the South African Truth and Reconciliation Commission reflected on the media’s emphasis on perpetrators: “the same kind of intensity of reporting is not afforded to victims/survivors, unless they have high-profile images themselves,” and even then the media considers newsworthy only the “sensational brutality” that victims faced. (Bird and Garda 1997, 338) South African dramaturgist Jane Taylor further notes:

What makes the stories of the perpetrators so compelling is, in part, that they are agents: they act upon others. All of the psychological structures of desire, power, greed, fear, identification are invoked in these accounts. (Taylor 1997)

The allure may result from fictional and news accounts that depict perpetrators as extraordinarily evil, sadistic, psychopaths. By contrast, most academic studies consider perpetrators of authoritarian violence normal. Psychologist Dan Bar-On, for example, claims that only 5% of Nazi perpetrators could be labeled psychopaths. The remaining 95% were motivated to commit atrocities as a result of a particular type of training, socialization, ideology, and power structure. The Milgram experiments concluded that most individuals obey authority, even when ordered to inflict harm on individuals without reasonable cause. Zimbardo’s prison experiments and Huggins et al. study of Brazilian torturers claim that environments which authorize and reward individuals for violent acts breed violent perpetrators. Sullivan et al. found that under the right set of circumstances nearly everyone is susceptible to acting violently against individuals who belong to a group they hate. Nonetheless, the media seek explanations that differentiate perpetrators from “the rest of us:” abusive or repressive homes or deep psychological afflictions.

To dispel this image, perpetrators tend to use social fronts. Erving Goffman defines fronts as “expressive equipment” that identify the individual: insignia of office or rank, clothing, sex, age, racial characteristics, size, appearance, posture, speech patterns, facial expressions, manner, and body language. (Goffman 1976, 91) Perpetrators engage in “the whole theatrical array of gestures, demeanor, costumes, props, and stage devices” to “impress or bamboozle an audience.” (Lincoln 1994, 5) They make and remake their image; their front is “constantly constructed,
negotiated, reformed, fashioned, and organized ..., a pragmatic piecing-together of pre-existing scraps of material recalling “bricolage.”” (Carlson 1976, 49) These fronts are not cut from whole cloth, but derived from existing and socially-acceptable roles. Sometimes perpetrators adopt a front unconsciously and sincerely, believing that it represents their “truer self,” the self they would like to be or believe they are. (Goffman 1959, 19) Alternatively, they may deliberately and cynically construct an appropriate front, either alone or in consultation with their colleagues, family members, or lawyers. These cynical fronts provide a pragmatic “means to other ends,” but a perpetrator may also derive “a kind of gleeful spiritual aggression from the fact that he can toy at will with something his audience must take seriously.” (Goffman 1976, 89-90)

Perpetrators possess other techniques, in addition to social front, to diminish negative images associated with their past. Through “doubling,” for example, perpetrators present alternative selves and lives. (Lifton 1986) They portray their social lives as incompatible with common images of perpetrators: the morally upright and religious good-neighbor, good citizen, doting parent, loving and faithful partner, generous and caring friend. Their working lives appear beyond reproach: dedicated, loyal, and efficient employees, willing to go the extra mile, and obedient to authority. In political life, they exhibit patriotism, duty to the nation, and a willingness to make personal sacrifices for it. Doubling diminishes the negative characteristics associated with perpetrators.

A “born again” narrative device presents a similar opportunity. In these cases, perpetrators admit to past wrong-doing, but consider themselves new and unassailable individuals. Religious rebirth allows individuals to start over, replacing their sinful past with a saintly present. Recovering alcoholics and drug addicts among perpetrators use a similar trope. They explain past acts as a result of intoxication, incompatible with their new sober selves.

Primo Levi’s notion of the “gray zone” shows how perpetrators reverse roles and identify themselves as victims. They recount or show the physical or psychological effects of their violence on their lives: drug or alcohol addiction, insomnia, anxiety, depression, or other scars of a tormented past. They suggest that they cannot be held responsible for violent acts they committed when those acts also victimized them.

“To agree to perform is to agree to take a chance,” and perpetrators do not always succeed in convincing their audiences of their “normality” despite elaborate fronts and narrative devices. (MacAloon in Roach 1996, 219) They may lack effective acting or narrative skills. Excessive contradictions and incompatibilities in their performance render it incoherent to audiences. While they can alter certain personal characteristics (e.g., clothing or hair styles), others indelibly mark them as perpetrators (e.g., background, build, movement and carriage, accent and word choice, facial expressions or emotions). Perpetrators, moreover, possess little control over how they are represented in the media, what images and words are used and what meaning the media and its audience attach to those words and images.

□ The Script □

Adapting Ndebele’s elegant formulation, confessional scripts allow perpetrators to
“reinvent their pasts through narrative.” (Ndebele 1998, 27) Perpetrators do not recount their past as it occurred at the time, nor do they necessarily possess “a claim to truth or accuracy.” They may be made-up, consciously or unconsciously, to fit a particular political moment or personal need. (Phelan 1993, 165)

Audiences often perceive perpetrators’ reinventions of their past through confession as deliberate manipulations to minimize perpetrators’ guilt, rather than acknowledge it. And sometimes they are. At other times, however, perpetrators’ confessions reflect the creative process of trying to piece together their past with partial and selective memory. Memory is imperfect and unreliable, as psychologists, historians, legal professionals and law enforcement agents who depend on it, well know. Perpetrators and non-perpetrators deliberately and unconsciously create “vital lies” about their pasts, or the stories that add meaning and coherence to their lives. (Goleman 1985) In their confessions, perpetrators recount how they remember their past, or how they want it to be remembered, reinventing their pasts through narrative.

Creating vital lies involve several processes. Perpetrators employ, for example, “salvage operations,” or the conscious and unconscious choice to retain certain parts of the remembered past and to jettison others that do not fit “present-day discourses and desires.” (Crownshaw 2000, 20-23) The present political context acts as a filter, “molding and modifying” memories “to fit into the understanding and expectations of the society in which it is presented.” (Goffman1959, 35) Salvage operations filter and select facts, seeing only what is convenient to see, and transforming memory fragments into a coherent and consistent story.

To fill in memory gaps, perpetrators use contrivance, adding details, sometimes out of sequence, or borrowed from other moments or others’ memories, or even imagined, but believed to be true. These details give memory body and life, and accurately represent how perpetrators remember events (or want to remember them), even if they do not match the chronology or factual set of events.

When perpetrators speak out they often evoke the vocabulary learned from the authoritarian regime: denial, justification, and excuses. They may do so even if they feel remorse for their pasts. They simply do not have another language. They learned the euphemisms that hid their acts from themselves and others. The language of war, and particularly “unconventional” (counter-insurgency) war pervades perpetrators’ confessions, sanitizing atrocity. “Interrogating” or “eliminating” the enemy in a “war,” obscures kidnapping, torturing, executing, poisoning, raping, and disappearing prisoners held in clandestine detention centers. They turn defenseless victims into ferocious enemies whose defeat require military virtues of self-sacrifice, patriotism, heroism and bravery. As soldiers, they had a duty to defend the nation from Communism, terrorism, or barbarism. The ends (defeating the threat to the nation) justified the (usually unarticulated) means. Perpetrators portray themselves as forces of “good” against the forces of “evil.”

Regime supporters also cling to the heroic version, or salvation myth, of the authoritarian regime. To explain mounting evidence of violence, perpetrators adopt a language of error. Human error or mistakes explain why innocent individuals die in wars. Bureaucratic error
explains why commanders failed to learn about and stop violence carried out by renegades, rogue forces, and emotionally or mentally unstable elements within the security forces. Error denies moral responsibility for systematic violence. Error enables perpetrators to admit to crimes of omission, or failing to halt the violence, but not to crimes of commission, or acting violently. They can condemn the violence, without condemning the regime.

Remorseful and betrayal confessions, rare as they are, break out of these narrative patterns and challenge authoritarian justifications and excuses. Borrowing from analyses of testimonies of victims, the confessional act allows perpetrators to “know” the event: to speak the unspeakable and to inscribe the event for the first time, by breaking with the official version and the silence imposed on them. Audiences rarely embrace these confessions, doubting their sincerity, judging them as instrumentally-driven, or finding within them the authoritarian regime’s justifications and excuses. These scripts therefore rarely satisfy audiences looking for condemnation of the regime.

The media portray those perpetrators who speak out, not the larger group of silent ones. Formal and informal gag rules pervaded the authoritarian era and persist in the new democracies. Violence, threats, and intimidation actively discourage perpetrators’ confessions. But perpetrators also attempt to erase from memory their violent acts so that they can live with themselves.

**The Stage**

Performance places, Vivian Patraka contends, produce “scripted meaning and representation.” (Patraka 1996, 100) We would expect perpetrators, therefore, to deny their past, remain silent, or claim amnesia to avoid a guilty verdict in court. Plea bargaining agreements, on the other hand, promote betrayal. Truth commissions and mitigation of sentence hearings encourage remorse. “Made for TV” confessions tend to involve heroic, sadistic, or exaggerated fictions.

Performance spaces, in contrast, become the site in which meanings of the past are not scripted, but rather openly contested and reshaped. (Edelman 1985, 108) Other political performers, such as victims and survivors, seize the confessional stage, diminishing perpetrators’ control over their confessions and even subverting or derailing the political project they hoped to advance.

Audience responses to media coverage of perpetrators’ confessions illustrate the concept of performance space. Although perpetrators might prepare their confession for a particular stage, such as a courtroom or truth commission, the media take it over. “Mediatized” versions of perpetrators’ confessions, or those “circulated on television, as audio or video recordings, and other forms based in technologies of reproduction,” replace the original, live, and uncut versions unseen by most audiences. (Auslander 1999, 5) Most audiences, due to official policy, space limitations, location and time accessibility, awareness of the event, or demand, miss the live version, but catch the mediatized one. Mediatized performances, however, are not faithful copies of the original. Hours or days of testimony produce only minutes of radio and television
programs, or sentences of a print story. Decisions about what to exclude and include in news stories create meaning that may diverge from the perpetrators’ intended message. Media stories, for example, seek dramatic copy, distorting the confession by reproducing small segments of it: screams and sobs, anger or laughter, sneers or tears. Camera work creates or diminishes emotion: zooming in on perpetrators, making them larger than life or pulling back to invite audiences “to see the pain of others but not to feel it.” (Fair and Parks 2001, 50) Radio broadcasts eliminate explanatory facial expressions. Print media flattens inflection. The media, in short, possesses enormous power over what confession the public views and interprets. Because most audiences witness confessions through mediatized accounts, those accounts become the confessional event, and not an interpretation of it, reinforcing the adage that “we never ‘know’ an event but only its media coverage.” (Auslander 1999, 118) Mediatized versions tend to obliterate the original. (Phelan 1993,146-47)

Despite their power, mediatized performances do not “speak for themselves,” present one uncontroversial interpretation of perpetrators’ confessions, or dictate political meaning to audiences. Sometimes they accurately depict perpetrators in all their complexity: simultaneously brutal and vulnerable, guilty and innocent, powerful and weak, rendering multiple interpretations of their pasts. Sometimes mediatized versions include commentary from other, even contending, social viewpoints. The media, in other words, become the performance space in which audiences debate the political significance of perpetrators’ confessions to past violence. Even if the media produces scripted meaning and representation, audiences use the portrayal to challenge those meanings.

Confessional texts, following Stanley Fish, are devoid of meaning on their own, and require “interpretive communities” to create meaning. (Fish 1980) In the case of perpetrators’ confessions, such interpretive communities emerge among the audiences who witness them. Perpetrators try to control the interpretation of their performance, but audiences hijack them and impose their own meaning. Audiences use perpetrators’ confessions as a catalyst and a tool. As a catalyst, confessions spark debate over issues previously silenced or dormant in society. Audiences use the confessions as a tool to advance their own political agenda, mining perpetrators’ confessions for words that support their position on the past.

Audiences do not approach confessional performances uniformly or in a political vacuum. They bring to them backgrounds, experiences, political perspectives, and vested interests that shape their interpretations. Victims and survivors (and those sympathetic to them) do not always agree on how to interpret perpetrators’ confessions. Among those who wish to silence perpetrators, some are cynical and view perpetrators as lying while others seek to limit the trauma of hearing perpetrators recount their pasts. Other victims and survivors promote perpetrators’ confessions as a means of finding out the facts to help heal or to seek retributive justice. Authoritarian regime supporters and bystanders may also seek to silence these confessions that expose them, sometimes for the first time, to atrocity. They face the trauma of guilt for disbelieving victims’ accounts, blaming victims for the violence, supporting a regime capable of such atrocity, failing to act to prevent the violence, and even benefitting from
authoritarian rule. Yet bystanders and regime supporters may also extract from these confessions the image of the perpetrator-as-savior and applaud their past actions as necessary under those circumstances. Democratic governments often worry about the battle of “memory against memory” that emerges from perpetrators’ confessions and threatens democracy. They thus seek to silence debate over the past.

Contentious coexistence argues that democracies cannot suppress debate. Efforts to do so will generate conflict between “social forces that demand memory and those who want to erase it,” and over who is authorized to remember the past, and what form of remembering is appropriate and legitimate. (Jelin 2002) Ultimately it may prove more disruptive to democracy to censor political memory than allow it. A painful trade-off prevails, however, between the psychological harm to individuals and the potential benefits for the political system. The media faces criticism from its role in this debate, simultaneously condemned for how it presents perpetrators or failing to silence them.

□ Conclusion □

“Democracy was born in transgressive acts,” proclaims Sheldon Wolin (1996), and confessional performances certainly qualify as transgressive. They make profound disagreements over the past audible, visible, physical, and public. They provoke conflict, as audiences clash over interpretations of the past and their meaning for contemporary democratic practice. Deep and irreconcilable schisms emerge in response to perpetrators’ confessions, the kind of schisms that undermined earlier democratic experiments and ushered in repressive authoritarian rule. These schisms divide the armed forces, weakening national security. They retraumatize victims. They reassert authoritarian versions of national values. Multiple, logical, and reasonable motivations exist for stifling perpetrators’ transgressive confessions and preventing them from undermining democratic governance and culture.

The media can, and often does, contribute to promoting democratic debate over perpetrators’ confessions. First, perpetrators confess. And when they do, the media covers those confessions, often provoking deep dialogic conflict in society.

Second, confessional performances, and the conflict they create, engage core democratic values: free speech, justice, and protection of human rights. Democracies cannot afford to suppress this debate. Dialogue, Ackerman (1989, 6) reminds us, is “the first obligation of citizenship.” To repress it is to settle the past on silence and assumed agreement. “We gain nothing of value by falsely asserting that the political community is of one mind on deeply contested matters,” Ackerman (1989, 16) warns. The media exposes these tensions.

Third, dramatic political performances, like perpetrators’ confessions, put democracy into practice. Media coverage draws audiences into the confessional drama: the rupture of silence; novel, “insider” perspectives; lurid language about violence; engaging acting; emotive speech; loud, visible, intense, and conflictive audience response. The audience includes not only victims, survivors, and perpetrators, but also “neutral” bystanders from the authoritarian regime and new generations of citizens. Confessional performances become catalysts for broadening political
participation and expanding political debate. As Seyla Benhabib (1996, 71) succinctly argues: “Deliberation is a procedure for being informed” and creating an “enlarged mentality” in society. Political talk and listening teaches a new language and exposes citizens to contending political perspectives unavailable when debate is silenced. It may even force perpetrators to see and hear the harm they have done to citizens and families; this may change their perspective on their past. Other audiences may begin to understand the culpability of regimes and leaders who can convincingly otherwise normal individuals to commit atrocity.

Fourth, public debate can strengthen democratic norms. To participate in public debate a new – democratic – language evolves. Thus perpetrators do not publicly advocate kidnapping, torturing, killing or disappearing citizens. They use euphemisms acceptable in democracies: detention, interrogation, and defeat in war. They adopt democratic norms language, advocating justice (for war crimes committed by the enemy) and human rights protections (for security force members and their families). This new democratic language may merely disguise old attitudes. But language can also play a transformative role. By shifting the terms of the debate, perpetrators reflect a norms shift. By articulating those norms, they diffuse them. In diffusing them they not only satisfy the guardians of democratic order, they become the currency of debate within their own segments of society. Everyone, in other words, becomes a democrat, at least linguistically speaking. Authoritarianism, albeit defended as politically expedient in the past, garners little support today.

Democracy generates little debate, in other words. What is debatable is the quality or extent of democracy and the means by which it is achieved. By using the language of human rights, justice, and free speech, perpetrators’ confessions reinforce it as one set of measures for assessing democracy. Groups within society may not agree on definitions of human rights violations, but they agree in condemning them. How justice is served will evoke deep ideological debates, but consensus around democracy dictates that it is served.

Contention over the past does not disappear; it remains unsettling and unsettled. Yet contending groups learn to live together – to coexist – with their irreconcilable differences in flawed democracies. They learn, through practice, to use the political resources of speech to negotiate the terms of democracy. Victims and survivors use confessions to advance their particular goals for democracy. They have often overcome great obstacles, including internal conflicts, in the process. They make the case for contentious coexistence as a democratic model.

The impact of unsettling accounts and contentious coexistence on democracy goes beyond confessional performances in transitional performances. Consider, for example, the unsettling photographs of abuse from the U.S.’s Abu Ghraib prison in Iraq. The photographs “confessed to” torture. They generated knowledge, or truth, about events in Iraq. They influenced debate over torture in the U.S., particularly away from the “ticking bomb” scenario. But the photographs and the media coverage did not end support for the use of torture. The best argument does not always win, unfortunately. Contentious coexistence has its limits in terms of positive outcomes for democracy and human rights. Unsettling accounts and contentious coexistence, in other words, make the struggle for democratic ideals possible; they do not ensure its success. The closing scene of Death and the Maiden captures the real life indeterminacy of political struggle over the past. Gerardo and Paulina encounter her torturer at a concert. Nothing
is resolved; nothing is forgotten. The music “plays and plays.” But the actors face the stage. They look forward, not backward.
References


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