

## Stolen Children, Identity Rights, and Rhetoric (Argentina, 1983–2012)

Kerry Bystrom and Brenda Werth

From 1976 until 1983, the military junta ruling Argentina prosecuted a “Dirty War” aimed at eradicating those they saw as Communist terrorists and maintaining what they envisioned to be national security. They kidnapped, detained in clandestine prisons, and disappeared up to 30,000 civilians—including up to 500 infants and young children either stolen at the time their parents were captured or taken from their mothers when they were born in secret detention centers, and handed over to families who in many cases supported military rule. By obliterating the connection of these children with their birth parents, the Junta’s military generals thought, a new and more correctly “Argentine” generation could be shaped. Founding member of the Junta General Jorge Rafael Videla famously stated that “[t]he repression is against a minority we do not consider Argentine . . . a terrorist is not only someone who plants bombs, but a person whose ideas are contrary to our Western, Christian civilization” (qtd. in Feitlowitz 24). The appropriation of children was a way to punish those who dared to oppose the regime and to provide “war booty” for its loyal adherents, but it was also, and crucially, a way to avoid “parental contamination” of the country’s youth (Abuelas 25–26).<sup>1</sup> Children would be saved from the supposedly pernicious influence of “subversive” ideas while the conservative national identity associated with tradition, family values, institutional Catholicism, and respect for property favored by the Junta would be preserved.

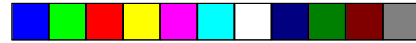
This article explores the rhetorical strategies used to contest the vision of Argentina and Argentine values set out by the military dictator-

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ship, as these have crystallized in legal cases and in cultural campaigns to find the stolen children and restore not only them but also the country as a whole to its “true identity.”<sup>2</sup> Surveying materials from the iconic human rights group the *Abuelas* (Grandmothers) of the Plaza de Mayo—a group of women who formed specifically to find their missing grandchildren—as well as representations of the stolen children in a range of media, the first part of the article tracks the development from the late 1970s to the mid-1990s of a highly compelling political narrative not only about the wrongness of the military dictatorship but also about the right to identity, ultimately enshrined (owing to the work of the *Abuelas*) in the United Nations Convention of the Rights of the Child (UNCRC). The second part of the article then turns to the reconfiguration of this narrative in the present, almost three decades after the dictatorship, as a new series of court cases regarding the right to identity and a new set of cultural and political representations have both reinforced the centrality of the *Abuelas* and the stolen children in shaping public debates about identity and national values, and re-inscribed in sometimes troubling ways the discourse of childhood at the heart of the earlier campaigns. We aim to show how a rhetorical coupling of two development plots—that of the emergence of the democratic state and that of the recovery of the stolen child—both advances and poses limits to identity rights discourse in contemporary Argentina.

The case of Argentina under military rule illustrates the convergence of the discourses of the Cold War, family, and national security in the regulation of childhood and the way such regulation ironically but strikingly evacuates children’s rights. The vision of Argentina advocated by the Junta entailed the creation of a national public who looked the other way when the state violated the very family values and innocent children it claimed to have taken power to protect. We stress below the practical and ethical importance of the narrative of the right to identity as a counterweight to the Junta’s exclusionary form of nationalism. At the same time, we also note some of its pitfalls. Hesford provocatively poses human rights as a “spectacular rhetoric” binding image and narrative, and which incorporates subjects into certain normative frameworks—creating new publics constituted through the spectacle (7). She further notes that this rhetoric, while useful in many ways, can have problematic effects



(172–74). If the dictatorship envisioned protecting Argentina and Argentine values by disciplining children and shepherding them to the correct forms of maturity, then contemporary discourse remains overly reliant on notions of childhood that, as Sharon Stephens notes, allow “innocent” child bodies to serve as literal and metaphorical figures for wider social concerns (23); as well as on ideas of the child’s right to identity and the “particular developmental trajectory” that Stephens reveals as intrinsic to conceptions of children’s rights (36). We argue here that this development trajectory gets linked to both the stolen child’s process of identity restitution and the state’s own process of democratic maturation, which in turn are tied together.<sup>3</sup> In this twenty-first-century context, we suggest, the “spectacular rhetoric” of the right to identity may constrain the agency of the adult “children” it was designed to benefit. Further, given its entanglement with notions of a biological “true identity,” and as Elizabeth Jelin proposes, it risks unduly limiting civic participation to certain sections of the national public and thereby undercutting the process of democratic consolidation it hopes to support (100). We ultimately argue that such difficulties do not obviate the clear positive achievements of the *Abuelas* or the pursuit of the right to identity more broadly, but do point to a need to attend to the closures of entrenched patterns of human rights activism.

## I

“The child,” Chris Jenks argues, “has become a subject in its own right, a source of identity, and, more than this, a promise of future good. This child has come to symbolize all that is decent and caring about a society; it is the very index of civilization” (60). This Western perception of childhood as holding the key to a more civilized and generally better society intersects uniquely with Argentina’s recent history, beginning with protests against the Junta and as codified in specific human rights campaigns during the transition to democracy in 1983. Yet it also has roots in the dictatorship itself, to the effect that questions of Argentina and Argentine identity have long played themselves out on and through the bodies of children.

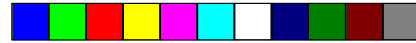


Both the family and childhood had played key roles in the dictatorship. Indeed, the manipulation of the Argentine family as cultural rhetoric and national metaphor has been extensively investigated; Ana Amado and Nora Domínguez, Judith Filc, Rosana Guber, Elizabeth Jelin, Diana Taylor and others all document how the Junta modeled its “Process of National Reorganization” (as their regime was officially designated) on the patriarchal family. Using language and spectacle, the Junta positioned itself as the father of the nation, ruling over a feminized and child-like population. Anyone outside this “grand Argentine family” was also left outside the Argentine nation (Filc 49). As these scholars also note, the Junta further attempted to reproduce their patriarchal model within society. Fathers were expected to instill obedience and discipline in their own families and individual mothers to oversee the nurturing of “Western and Christian” values in their children. The state did not shy away from assisting individual families towards this end. For instance, it sent out guidelines to the young providing strict dress codes and favoring certain hairstyles (Taylor 104–05). It “corrected” individuals such as Thelma Jara de Cabezas, who had joined human rights groups for support after her son was disappeared and was kidnapped, tortured, and forced to pose for a popular women’s magazine denouncing her own activities and advocating more God-fearing principles of child raising (Feitlowitz 47–48). It also engaged in child stealing. General Ramón Camps, former Police Chief of Buenos Aires, clearly exposed the logic of the Junta in his statement on the topic:

Personally, I didn’t eliminate any children. What I did do was hand over one or two of them to charity organizations so they could find new parents for them. Because parents of subversives educate their children to become subversives. And that has to be prevented. (qtd. in Nosiglia 11)<sup>4</sup>

Here kidnapping becomes a form of salvation for both the state and the appropriated children, as it insulates them from the “anti-Argentine” ideas passed on by “subversive” families.<sup>5</sup>

From a childhood studies perspective, less commonly applied to the Argentine case, the self-positioning of members of the Junta as patriarchal disciplinarians of wayward children, and their concern with stopping



further “contamination” of youths, speak to their manipulation of children as symbols of national identity and icons of the future. Reinforcement of this idea of contamination comes from the Christian tradition of portraying children as possessing “a purity which derives from their having arrived only recently in the world. They are Nature which society corrupts” (Archard 38). For the Junta leaders, this corruption took the form of foreign ideas that invaded and contaminated the nation from the outside. Yet, as David Archard further observes, Christianity offers a schizophrenic image of childhood. Juxtaposed to this image of childhood innocence is an opposite image in which children are born with Original Sin (38). According to this vision, children must be educated and civilized in order to control their sinful tendencies. This alternating view of children as originally innocent and sinful plays into the Junta’s conservative Catholic rhetoric of protecting the country’s youth (and their innocence) and controlling their (sinful) behavior.<sup>6</sup>

Foregrounding a similar duality, Sharon Stephens notes common tendencies beginning in the 1970s and 1980s to see children as either “risks” or “at risk” (9); the idea of children (or child-like citizens) as unruly agents threatening the body politic is seen clearly in the examples above, and the lengths to which the Junta went to discipline some and protect others underscore the importance of containing this risk. Stephens explains why capturing children’s hearts and minds is so crucial:

As representatives of the contested future and subjects of cultural policies, children stand at the crossroads of divergent cultural projects. Their minds and bodies are at stake in debates about the transmission of fundamental cultural values in the schools. The very nature of their senses, language, social networks, worldviews and material futures are at stake in debates about . . . national identity. (23)

Particularly with their policy of baby stealing, the Junta quite literally seized these “representative” bodies for their own “cultural project” of remaking Argentina as a conservative patriarchal state.

People opposing the dictatorship cannily retained a rhetorical emphasis on family and childhood but shifted emphasis from children as risks



to children at risk, pointing to the Junta's violence against families and especially against innocent children. Vicente Palermo and Marcos Novaro observe that during the transition, as opposition to the dictatorship increased, individuals once considered "subversives" gradually began to be portrayed and perceived in public discourse as "'militants,' 'young idealists,' and 'victims,' specifically, 'innocent victims'" (487). As is well known, the *Madres* (Mothers) of the Plaza de Mayo took over the central public square of Buenos Aires in 1977. Wearing white kerchiefs and carrying photographs of their missing children, they walked in circles around the Plaza, demanding the release of their disappeared sons and daughters. From the ranks of the *Madres* emerged a group focused specifically on the retrieval of the *nietos* or "grandchildren" stolen alongside their children, and together with the *Madres* the *Abuelas* have become the paradigmatic resistance movement of Argentina.<sup>7</sup> From 1978 onwards, the *Abuelas* petitioned the Church, the judiciary and other state institutions, and the general public for the return of their grandchildren, which they saw as crucial not only for themselves but also for the restoration of their country as a whole.

Protest under the conditions of dictatorship was a dangerous business, but the *Abuelas* were able to craft a persuasive message playing on themes of Christianity, childhood innocence, the sanctity of family, and the notion of rights. They began by approaching civil courts to reclaim their grandchildren, but when that failed, the group relied on more publicly oriented strategies. Along with displaying the photographs of the stolen babies during their weekly marches, they created case files with stories and photos that were sent abroad and took out ads in the Argentine press (Oren 133–34). As Rita Arditti notes in the most comprehensive history of the *Abuelas*, *Searching for Life: The Grandmothers of the Plaza de Mayo*, the first communiqué of the group to the national press, published in *La Prensa* on Children's Day in 1978, "put the Grandmothers squarely in the public eye" (58). It read:

We appeal to the conscience and hearts of those people who have adopted, taken care of, or have knowledge of the whereabouts of our disappeared little grandchildren, so that they might exercise a profound gesture of humanity and Christian kindness and retribute those babies to the breast of the families that live in the anguish of



not knowing where they are. . . . The Law of God protects the most innocent and pure creatures. The law of men also grants these defenseless creatures the most elementary right: the right to life, to live alongside their grandmothers who search for them day to day, without rest, and who will continue looking for them until their last breaths. (qtd. in Nosiglia 98)

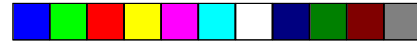
This rhetoric about the purity and innocence of children who have a right to be restored to their family breasts was eventually supplemented by simple but arresting graphic posters advertising the search of the *Abuelas*, often from the perspective of a small child. One notable example shows on its left side a youngster sitting with his head in his hands, as if crying, above which is written, “My grandmother is looking for me.” The right side of the poster shows the same child facing the spectator with his mouth open speaking the words, “tell her where I am.” The tagline: “Restitution is a return to life” (*Abuelas* 185). The *Abuelas* here mobilize concern about children at risk and position the child as a symbol of the “decent and caring” future described by Jenks. Until the stolen children are found, their poster suggests, not only were their grandchildren lost but any hope of a better future was lost as well.

With the democratic opening of 1983 and the election of human rights defender Raul Alfonsín as President, the *Abuelas* were able to circulate this message much more widely via posters, leaflets, and radio and TV spots (Arditti 108–09). They also slowly added important layers to these narrative and visual rhetorics: the importance of biological or “true” identity and the idea of the “right to identity.” The *Abuelas* had recovered a small number of children during the dictatorship, but these very cases left them with questions about how to conclusively prove the identity of the stolen children (Arditti 65, Oren 134). The case of Paula Logares Grinspon pointed the way towards a solution. Paula was kidnapped when her parents Mónica Grinspon de Logares and Claudio Ernesto Logares disappeared in May 1978.<sup>8</sup> At the time that Claudio and Mónica Logares, then expecting another child, were secretly transferred to the camp *Pozos de Banfield* and murdered, police subcommissioner Rubén Lavallén kidnapped the two-year-old Paula. The Lavallén family proceeded to raise Paula as their own child for the next six years, shielding her from any knowledge of her biological parentage. They refused to return her to Elsa

Pavón, Paula's maternal grandmother, even after the child was located with the help of the *Abuelas* in 1980. As Arditti documents, the *Abuelas* turned to Argentine and international scientists such as Ana María de Lonardo, Victor Penchaszadeh, and Mary Claire King for help developing a blood test that would identify the stolen children and match them with their biological grandparents. It was on the basis of di Lonardo's initial research confirming a 99% probability of biological relation between Paula and Pavón that the child was recovered by her grandmother in December 1984 (71). This success prompted further scientific cooperation in DNA testing and spurred the development of a "grandparentage" index, which in turn was used successfully in a series of later legal cases and eventually led to the 1987 establishment of the National Genetic Data Bank (BNDG)—an institution designed to safeguard the genetic data of relatives of the disappeared in order to facilitate future identity searches as well as to help victims suffering from other kinds of identity questions.

Access to a scientifically proven "true identity" also helped consolidate the notion of the right to identity. As Arditti further documents, the *Abuelas* worked to change adoption laws within Argentina, as "new ideas and legal instruments" were needed to make adoption "truly protective of the welfare of all children" (144–45). They also encouraged the newly democratic Argentine state to sponsor a specific article on the right to identity for inclusion in the proposed UNCRC. In 1985 Alfonsín set out what would become the basis for Article 8 in the convention, adopted by the UN in 1989 and ratified by Argentina in 1990 (Arditti 145). One of the major arguments justifying the existence of a "right to identity" was the vision of illegal appropriation constructed by the *Abuelas*. According to the *Abuelas*, appropriation is a form of colonization or enslavement. The children were turned into objects or "war booty" for the good of the appropriators and their "true identities" were buried. This obliteration of their "true identities" was understood as a source of serious emotional damage, a seed of doubt and instability (Abuelas 27–30, 38–39). Similarly, a psychologist affiliated with the *Abuelas* during the 1980s notes that the children "carry in their psyches the trauma of their kidnapping and of their mother's torture"; to heal, they needed to be restored to their "real" names and families (Arditti 104). Laura Oren persuasively argues

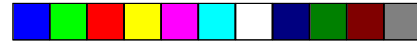




that, beginning with the Logares case, such arguments were used to convince others that the right to identity was in the “best interest” of the child and over the course of the 1980s this interpretation became increasingly dominant (143–50).

As the *Abuelas* worked to refine and communicate their understanding of the right to identity within Argentina and more globally, towards the ends of recovering their grandchildren and creating a more just nation, politicians, intellectuals, and artists also began to use rhetorics associated with the stolen children to shape the national democratic transition. The discourse of the stolen children was utilized (if not as widely as it would be in the following decades) to launch critiques of the Junta, partly because such narratives allowed for slippage between the act of baby-stealing, which tended to inspire “universal abhorrence” in Argentine society, and that of the “Dirty War” in general, towards which people had more ambivalent reactions (Foster 42–43). David William Foster argues that the “disappeared children” served as a powerful “metonym” for the “fraud, corruption and massive violations of human rights that enabled the military to affirm and maintain its power” (43). Condemning one, in theory at least, entailed a condemnation of the other; and as attitudes of disapproval were transferred from the question of baby-stealing to its wider context, the possibility of effecting some kind of broad ideological or ethical transformation was opened.

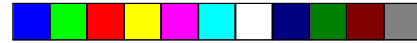
Two important milestones in Argentina’s transition were the National Commission on Disappeared Persons (CONADEP) in 1984 and the government trials against the former leaders of the dictatorship or the “*Juicios a las Juntas*” in 1985. The process of CONADEP and especially its best-selling report, entitled *Nunca Más* (Never Again), brought needed attention to the survivors of the state’s concentration camps and the relatives of the disappeared. While the proceedings in no way focused on the question of stolen children, the report interestingly lists the stolen babies first and dedicates to it one of the longest sections in the chapter on “Victims.” Echoing the rhetorics of violated innocence and of thingification (“war booty”) deployed by the *Abuelas* and indeed including significant testimony from them, it notes:



When a child is torn from his/her legitimate family in order to insert him/her into another familial environment chosen according to an ideological conception of what might “be best for his/her salvation,” a perfidious usurpation of roles is being committed. The repressors that yanked the disappeared children from their houses or their mothers in the moment of their births decided the fate of these children with the same coldness as one handling war booty. Stripped of their identities and wrenched from their families, the disappeared children constitute and will constitute for a long time a profound, open wound in our society. Through their actions on these children they have beaten down that which is defenseless, vulnerable, and innocent, in the process unleashing a new form of torment. (299)

Even the trials, which, as Jelin notes, opened a brief vista beyond the questions of family activism by turning “victims” into “citizens” on a political basis, had a pivotal moment regarding the stolen children (183, 185–88). Arditti recounts how Magdalena Ruiz-Guiñazú gave a gripping two-hour testimony on the “truly innocent victims” of the “Dirty War”: the children (46). In ways unforeseeable at the time, these trials helped to frame kidnapping as the crime through which justice might eventually be won: because baby-stealing was not widely viewed at the time as systematic plan or order given by the Junta, it was left out of the Due Obedience and Final Stop laws passed by Alfonsín and could thus serve as a basis for later convictions.<sup>9</sup>

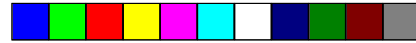
In this context, cultural workers such as dramatists and filmmakers also tried to reinterpret the past through the lens of childhood innocence and used stories of violated childhoods to discredit the dictatorship and encourage the creation of a new version of national identity. Closely tied to the *Abuelas*, Luis Puenzo’s highly successful film *The Official Story* (*La historia oficial*, 1985) is perhaps the most influential example of a self-conscious and politically motivated deployment of the 1980s rhetorics of the stolen children. In part because it won the 1986 Academy Award for best foreign-language film, it was widely seen and commented upon in Argentina. The film revolves around the identity of a three-year-old named Gaby. Gaby is the adopted child of a conservative history teacher and her businessman husband. In the course of the film, Alicia, Gaby’s adoptive mother, comes to question her daughter’s origins and



makes contact with the *Madres* (not yet as separate from the *Abuelas* as it will come to be). Here, Alicia meets a woman who believes that Gaby may be her own granddaughter, stolen from her disappeared daughter. While it is never conclusively established that Gaby is indeed the granddaughter of Sara, Alicia eventually accepts that Gaby is a child of the “disappeared.” This process of acceptance shakes her whole belief system, causing her finally to reject the “official story” of national history that she herself taught in her classroom, and convinces her to join the growing resistance to the Junta. By the end of the film, a new alliance has been forged: Alicia turns, metaphorically and literally, away from her own husband to create a new life for herself and Gaby through the *Madres*. Connecting herself to the *Madres* and their mission, Alicia figuratively legitimizes political resistance for the bourgeoisie and other groups previously aligned with the military government.

As this brief summary implies, Puenzo focuses mainly on Alicia. Working in a dialogic relation with the CONADEP hearings and the trials, the film represents the process of re-scripting the accepted narrative of recent Argentine history from a story of a justified war against Communist “subversives” to one of a criminal state inflicting human rights violations on victims.<sup>10</sup> It simultaneously represents a subject actively inscribing herself within this new narrative. To reference its own title, Puenzo’s film is intimately tied to political attempts to denounce the preexisting “official story” and write a new one that is linked to the work of institutionalizing democracy and human rights, by restructuring the main character’s understanding of ethical action at the same time that it helps her situate herself on the right side of a new political, social, and moral order. For this reason, perhaps, Clara Kriger names *The Official Story* as “the film that was to symbolise the climate of the democratic opening during Alfonsín’s government” (183), and Jessica Stites Mor posits it as illustrative of Alfonsín’s policies of democratic transformation (97–98). If Alicia is the main object of identification as the innocent citizen coming to grips with the dark secrets of the past, however, the angelic Gaby remains a powerful symbol or promise of a better future—one into which the country must grow.

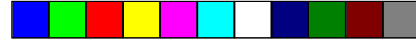
As Stites Mor points out, *The Official Story* did not garner uniform reactions from its spectators; some Argentines called the film “princi-



pally opportunistic and commercial” and used it as an opportunity to highlight the “lightness and failures of Alfonsín’s democracy,” while others (including the *Abuelas*) praised it for raising important questions (101–02). Neither was the right to identity accepted uniformly. If, as Oren argues, by the end of the 1980s the democratic state under Alfonsín seemed to have accepted the *Abuelas*’ arguments, changing social contexts towards the end of his rule and the election of the subsequent president Carlos Menem endangered the gains made by this group in terms of finding their grandchildren and reshaping Argentine identity. We have already mentioned Alfonsín’s Full Stop and Due Obedience laws; Menem followed these with presidential pardons in 1989 and 1990 annulling almost all former convictions. Public discourse also took a turn with cases like that of Gonzalo and Matías Reggiardo Tolosa, whose “appropriative” parents used the mass media to counter the argument for the right to identity with the idea that removing the children from their “adoptive” families was the real source of risk and represented a second trauma for the children (Arditti 134–39; Oren 165; Gilberti). At the same time, the *Abuelas* gained victories with the establishment of the National Commission on the Right to Identity in 1992 and a Supreme Court ruling upholding the constitutionality of compulsory genetic testing to discover one’s “true identity” in 1996 (Arditti 149).

## II

If in 1985 audiences were rapt while watching *The Official Story*, identifying with a mother who realizes that her adopted daughter was appropriated illegally as a baby, in 2006 it was another figure who grabbed audience attention. This was Laura, one of the stars of the wildly popular soap opera *Montecristo*, who discovers as an adult her “true identity” as a stolen child.<sup>11</sup> The film and the soap opera share a coming-to-consciousness structure that the audience can emulate, where an innocent individual learns a secret about the past. There is, though, an important difference. In the 1980s and early 1990s, as noted in the previous section, children and especially the children illegally appropriated by the Junta were represented—both by the *Abuelas* and in broader



cultural and political circles that intersected and diverged from this activist group—as innocent beings whose bodies and minds were put at risk by the dictatorship and as symbols for a future Argentina ruled by human rights and justice. They were mainly apolitical and attention remained on their adult care-takers. By the mid-2000s, the child of the disappeared had become an agent in his or her own right, coming of age in tandem with and to some extent embodying for the audience the country’s trajectory of redemocratization and collective attempts to investigate the past. Spectators are asked to identify with and follow the process of a child in this coming to terms with his or her own personal history. From this difference, a number of questions arise: what would or should this process look like? Through what rhetorical outlines would it be presented? What is its impact on the child him or herself, and what is the impact of using the development or discovery narrative of a stolen child as an imaginative model for creating a better society and/or as a metaphor for the consolidation of democracy?

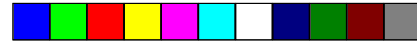
This difference also highlights some major contextual divergences between Argentina of the 1980s and early 1990s and that of the later 1990s and 2000s, important to approach the questions listed above. The passage of time, in which the stolen children aged chronologically, saw shifts in the activist strategies of the *Abuelas* and fundamental changes in the national and international political and legal contexts where debates about the stolen children played out. When the *Abuelas* began their search for their stolen grandchildren in 1977, their *nietos* were just babies, but in the mid-1990s they realized that those children would be in their late teens and old enough to take control of their own identity search. Instead of petitioning the public to provide information about potentially stolen babies, the organization came to focus attention on getting the stolen individuals themselves to demand their “true identity.” Radio spots and posters have taglines like: “And you, do you know who you are?” This change aimed to bring more practical successes in recovering the remaining grandchildren, and it also allows the *Abuelas* a new point of entry to their mission of creating a better or more ethical Argentine society. “If the identity of *one* is in doubt,” they have claimed, “the identity of *all* is in doubt” (emphasis added). The mid-1990s is also when this group began to partner with other activist groups such as a H.I.J.O.S., composed of



children of the disappeared, and to look into strategies of outreach through the arts.<sup>12</sup>

Such strategy shifts both prompted and accompany major legal breakthroughs and shifts in human rights discourses. On March 24, 2004, then President Néstor Kirchner, elected after a period of agonizing uncertainty sparked by the 2001 peso collapse brought on by Menem's economic policies, gave an impassioned speech at the Navy School and former torture center, the ESMA, in which he apologized on behalf of the state for silencing the atrocities of the dictatorship for twenty years (Yebrá). On that same day (the anniversary of the 1976 coup), he had the portraits of Junta generals removed from the walls of the *Colegio Militar*. These controversial gestures set the stage for the agenda that would shape both the image and attitudes toward human rights of Kirchner and Cristina Kirchner de Fernández's consecutive presidencies. Seeming to support this agenda, the Argentine Supreme Court in 2005 annulled the Full Stop Law and the Due Obedience Law and in 2007 found Menem's general pardons to be unconstitutional.<sup>13</sup> Because crimes against humanity have no statute of limitations, these decisions resulted in a wave of trials that rekindled old and brought up new questions and tensions.

These changing activist strategies and political and legal contexts have converged in a way that keeps the issue of the stolen children front and center in reflections on Argentina and Argentine democracy, both within a more narrow political field and in broader public culture. The fact that soap operas like *Montecristo* would take up this (admittedly melodramatic) theme speaks perhaps as much to the way the figure of the stolen child has become a flashpoint as the investment of the Kirchner administrations in pursuing identity rights for these individuals. A number of recent films similar in conception to *Montecristo*, such as Gastón Biraben's *Captive* (*Cautiva*, 2005) and Sabrina Farji's *Eva and Lola* (*Eva y Lola*, 2010), likewise focus on individuals who find out they are children of the disappeared when they are young adults. They explore with greater nuance the emotional, legal, and social complexity the process of identity restoration entails, while telling the story of an individual child's development against the backdrop of democratic progress and the steady integration of human rights discourses in legal, scientific, cultural, and governmental sectors. They also help to reveal the



ways in which the historical rhetoric developed by the *Abuelas* about the right to identity and the notion of “true identity” has spread through and been adapted by cultural and political discourse in close relation to this democratic “development” of the twenty-first century. Moreover, by deploying a diverse range of visually arresting modes of narration and performance, these creative interventions accentuate the spectacular dimensions that the rhetoric of identity rights (and human rights, in general) have assumed in Argentina since the *Madres* and *Abuelas* began their public marches around the Plaza de Mayo in the late 1970s.

Toward the beginning of the film *Captive*, we witness a scene in which a judge sits down with fifteen-year-old Cristina, who has been taken out of class and brought to the court accompanied by one of the nuns at her Catholic School. He tells her that even though she is young, she is no longer a little girl anymore and is old enough to know her “true identity.” He then explains in the most delicate way possible that her parents are not her real parents and that her name is not Cristina but Sofía. The rest of the film documents the difficult process of her identity recovery as she gradually begins to accept the truth about her origins and grows closer to her biological grandmother. Like Cristina/Sofía, the main character in *Eva and Lola* has undergone a similar identity transformation, although she is further along in the process, has bonded more thoroughly with her biological family, and is an active collaborator with the work of the *Abuelas*. Already in her mid-twenties, she has had time to integrate her biological identity and to consider long-term effects for her and for Argentina’s collective endeavor to find the stolen children. In one scene she scribbles calculations on a notepad and announces, “there are still more or less 300 disappeared children, approximately four are found each year. That means that by around 2083 we should have found them all.” According to Ari Gandsman, the *Abuelas* describe the process by which the identity of stolen children is restituted as including both “identity devaluation and formation” (175). For children undergoing this process, the old identity is “discredited not simply through the discovery of their biological identity but by accepting the fact that their ‘parents’ lied and deceived them”; once this acknowledgement has taken place, a new and “true” identity can be shaped (Gandsman 176). Such a developmental process as represented to a wider population in these films



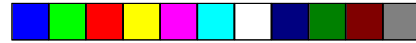
completes the work of the *Abuelas*, and validates the legal right to identity by modeling the process of accepting one's biological or genetic identity and showing the benefits of this (often painful and long-term) work.

There is not always or only this happy ending, however. Rejection of the newfound identity is also a possible reaction to this discovery. Gandsman notes that in 2003, for example, there were eight cases of such children who refused DNA testing to determine their biological heritage (164). This can be seen in Mariana Eva Pérez's semi-autobiographical monologue *Instructions for a Butterfly Collector*, a play (importantly, as it shows the polyvocal and open approach taken by the *Abuelas* in their collaborations) that was part of Theater for Identity. It takes the perspective of a sibling (Mariana Eva Pérez) who is a child of disappeared parents and has spent her entire young life dreaming about being reunited with her little brother, born in captivity. Mariana must confront her own disappointment when upon finding him she realizes that he is not ready or willing to break ties with the family that illegally appropriated him. The end of the play closes with Mariana acknowledging her own imaginative investment in constructing her brother's identity over so many years. Addressing him directly, she proclaims, "You're not Rodolfito, simply because Rodolfito was never anything other than myself." Other factors complicating a happy ending, whether for the *Abuelas* and their grandchildren and for society as a whole, are even more evident in two cases discussed in depth below: Lola Arias's play *My Life After* (*Mi vida después*) and the legal battle surrounding the identity of the Herrera Noble twins.

### *My Life After*

*My Life After* focuses on the stories of young Argentines as they use creative, and in somecases, legal tools to negotiate their identities. Premiered in Buenos Aires in 2009, the play was the last to be staged as part of the documentary theater project *Biodramas* (2002–2009) conceptualized by Argentine theater director Vivi Tellas. For *Biodramas*, Tellas had playwrights create dramatic works based on the lives of living





Argentines. Arias wanted to create a play about those who had come of age during the aftermath of the dictatorship. She based her play on individuals belonging to her generation (born between 1972–1983), but instead of hiring actors to interpret their lives, Arias had those same individuals perform their life stories onstage. The play thus introduces the autobiographical accounts of six individuals from different backgrounds who were affected by the actions of the dictatorship to greatly varying degrees.

Over the course of the performance, audiences learn that the individuals are children of disappeared fathers, guerrilla fighters, a racecar driver, a journalist, an intellectual, a banker, a priest, and an intelligence officer and torturer. Accompanied onstage by objects inherited from their parents (photos, letters, voice recordings, clothes, and even a turtle), performers take turns narrating the stories of their parents' lives while other performers enact the scenes being described. In addition to the stories of those who have had to face the loss of a disappeared parent, the play features the stories of performers whose autobiographical accounts reveal that they were left relatively unscathed by the dictatorship. Arias herself belongs to this second group of individuals. She remarks that her project was initially received with some resistance because of an expectation that second generation narratives about the dictatorship be told by those with an immediate family member who suffered at the hands of the repressive regime (see also Jelin 177). Arias's response to this resistance was that the story she was telling was not the story of the children of the disappeared, but rather the story of the history of her country and of the relationship between two generations (Longoni and Verzero 11).

Our objective here is not to give an exhaustive account of the play but to focus on the life story of one of the performers whose onstage narratives have intersected in unprecedented ways with Argentine law and discourses on family and the rights of the child, as conceived in national, legal, and international contexts.<sup>14</sup> During the performance, the audience learns that Vanina Falco's father was an intelligence officer during the dictatorship who illegally appropriated a baby boy and presented him to the family as Vanina's younger brother. Onstage Vanina tells the story of her family with the help of photographs extracted from a family album that are projected onto a large screen onstage. She narrates

scenes from her childhood in chronological order, beginning with photos of herself as a young child that reveal her to be confused and left wondering why she never saw her mother pregnant with her brother (Arias 2). Later in the play she tells the audience that when she was twenty-eight her brother began to have doubts about belonging to the family and those doubts prompted an investigation that led to the discovery that their father had stolen her brother when he was a baby from a couple that had been detained in the ESMA (Navy School of Mechanics) and subsequently disappeared (14).

When the play premiered in 2009, a criminal case initiated by Juan Cabandié (the brother in question) against their father had been underway for five years. Vanina stated toward the end of early performances that she wished she were able to testify against her father, but that the law prohibited her from doing so because he belonged to her immediate family (21).<sup>15</sup> In 2006 Judge María Servini de Cubría denied Vanina's request to testify precisely because Argentine law privileged the protection of the family. But lawyers for the *Abuelas* made an appeal, and the decision was reversed in 2009 based on three main arguments. First, the judges concurred that the offense constituted a crime against humanity, and according to international law, society's right to know about these crimes transcends the protection afforded immediate family members under Argentine criminal law. Second, because the crime affected her as well, Vanina Falco also considered herself a victim and, as such, was exempt from the law that prohibits testimony from immediate family members. The third and most important argument was that due to the severity of the crime, the family unit was already destroyed, making the rationale of protection obsolete. Vanina's case reflects the way in which international law increasingly has influenced legal decisions at the national level over the course of the post-dictatorial period to transform affective allegiances and definitions of kinship. Furthermore, the legal decision ultimately upholds a family identity that resists definition or validation through biological attachments and thus provides an important counterexample to narratives of "true identity" that are consolidated along bloodlines.<sup>16</sup>



### The Case of Marcela and Felipe Noble Herrera

The coalescence of legal and personal narratives is central to the depictions of coming of age and identity discovery in twenty-first-century works discussed here (*Cautiva*, *Eva and Lola*, *Instructions for a Butterfly Collector*, and *My Life After*). However, the spectacle of post-dictatorial identity politics most ingrained in Argentine consciousness from this period did not premiere on television, in movie theaters or playhouses, but rather played out in sensational form in Argentine media from 2001 to 2011. The case involves the adopted children of Ernestina Herrera de Noble, director and primary shareholder of Argentina's multi-billion dollar Clarín Media Group. Herrera de Noble inherited the company from her late husband and founder of the Clarín newspaper, Roberto Nobles, when he died in 1969. By adopting Marcela and Felipe in 1976, she secured heirs to insure that the Clarín enterprise would stay in the family. Adoptions occurring between 1976 and 1983 in Argentina are automatically suspect, and in 2001 the *Abuelas* prompted an investigation into Marcela and Felipe's origins. Investigations revealed their birth certificates to be fraudulent. Virtually none of Herrera de Noble's alibis were found to be credible, nor was her claim that she had found Marcela as a baby abandoned in a basket on her front step.<sup>17</sup> Furthermore, it was found that Ofelia Hejt, the judge who finalized the adoption of Marcela and Felipe, had during the same time frame facilitated the illegal adoption of a child of disappeared parents.

Given these findings, the *Abuelas'* desire to pursue the case is understandable, but from the start the case was mismanaged from all sides, causing anguish and suffering to all parties involved, and to no one more so than Marcela and Felipe. While several of the works discussed in this article have shown that collaborative efforts between the state, the law, the arts, and human rights groups have succeeded in raising awareness of children's right to identity, in the case of Marcela and Felipe, all joint efforts were paralyzed by accusations of institutional corruption and competing political interests, resulting in constant public interventions into the childrens' lives over the course of a decade.

A brief summary shows missteps at every turn: in 2003 Marcela and Felipe agreed to give blood samples to be checked against the DNA of



families looking for their stolen grandchildren, but the lawyers representing the *Abuelas* and the Herrera Noble children could not come to an agreement on which laboratory should be used for genetic testing or on the size of the pool of DNA their blood tests should be checked against. The case then languished for several years under the second judge in the case, Conrado Bergessio, who did little to advance proceedings and was accused of complicity with the Clarín lawyers (Goldman). Meanwhile, tensions between Clarín Media Group and President Cristina Kirchner de Fernández escalated in 2008 when Clarín sided with the agricultural sector, which fiercely opposed Kirchner's introduction of a farm tax. And in 2009, Kirchner nationalized soccer broadcasting, in turn forcing Clarín to relinquish a multi-million dollar enterprise.<sup>18</sup> An unfortunate result of this antagonism is that Marcela and Felipe were caught in the political crossfire, and Kirchner took special interest in their case, stating in 2010 that she would support the *Abuelas*' attempt to move the case to international courts if the Argentine judiciary system could not resolve it (Kirchner).

In June 2011, Marcela and Felipe unexpectedly agreed to a new round of genetic tests that would be compared to the entire database of DNA belonging to family members of the disappeared. Ever since the legal scuffles that prohibited their test results from being used in 2003, they had refused new tests arguing that they violated their rights to privacy. The siblings further argued that they had no desire to trace their biological heritage ("Heirs"). To everyone's surprise, the tests came back negative, and in response to those results, the president of the *Abuelas*, Estela de Carlotto, declared that the case was finally legally resolved ("Carlotto"). In spite of its seeming legal endpoint, however, this case remains unresolved in multiple ways. Marcela and Felipe's DNA samples are currently stored at the BNDG and theoretically could be used to check against new DNA profiles as families continue to come forward and new evidence is uncovered. Further, even though the legal resolution of the case was accepted by the *Abuelas* in 2011, H.I.J.O.S. declared in 2012 that the case will stay open until the true identities of both Marcela and Felipe are established ("HIJOS"). The case of the Noble Herrera children presents a unique precedent. Given the circumstances surrounding their adoption, it is plausible that they are the children of the disappeared. Yet



there are currently no DNA samples available that can establish this for a fact and provide them with information about their biological parents. The possibility that new DNA profiles could be available at any given moment places them in a situation of indefinite identity limbo.

### Conclusion

In a communique published in various Argentine newspapers in April 2010, Marcela and Felipe took the opportunity to dispel rumors and share their perspective on events with the Argentine public. In the letter they express the anguish of having their private lives turned into public spectacle, they show solidarity with their mother, thank her for her act of love of adopting them, and emphasize that nothing could alter the bond they share with her. Yet perhaps the strongest message of their letter is one of criticism directed toward the Kirchner government. They write:

We are not children, we are two responsible adults trying to exercise our rights and make our own decisions freely and without pressure. Yet we feel that this is impossible to do with a government that pursues us. Why is our case the only one they expose publicly? [. . .] Are they interested in us or do they have a political necessity for us to be children of the disappeared in order to invent accusations against our mother? (“Solicitada”)

This passage reveals particularly well how the pursuit of the right to identity can be compromised negatively by political interests and can unintentionally make (in this case presumptive) children of the disappeared feel as though their rights to privacy and their ability to choose their own identities are being violated. According to Gandsman, the *Abuelas* believe that individuals such as Marcela and Felipe do not have the choice to refuse an investigation into their pasts, since there is sufficient evidence to suggest that their situations may be the result of unlawful actions committed by the state (174). It is, ironically, the state that is invoked to subject them to DNA analyses in an effort to enforce their identity rights. Their rights to privacy, bodily integrity, and choice in deciding their identities are trumped by the right to identity as stated in the UNCRC and Argentine law. There is irony also in the fact that one



of the main aims of the UNCRC and the adoption of the Argentine Law of Integral Protection of the Rights of Children and Adolescents (2005) is to engage a shift toward envisioning children as subjects of the law endowed with the same rights as adults. Marcela and Felipe's communique accentuates this irony when they begin the passage by affirming that they are responsible adults. What, they wonder, does the government gain by portraying them as children?

The case of Marcela and Felipe is unique because of the political rivalry between Clarín Media Group and the Kirchner government, but the siblings' explicit rejection of their being identified as children is relevant to consider more generally and in juxtaposition to the cultural representations that have traced the coming of age of Argentina's youth over the course of the post-dictatorial period. While early post-dictatorial works such as Puenzo's *The Official Story* portray children as pure, innocent victims, later works depict young adults as they transition to and occupy adult roles, though oftentimes they continue to be portrayed as children. Works like Lola Arias's *My Life After* document the complexity of this transition as performers negotiate their emerging agency as adults by alternating between child and adult perspectives onstage. In an interview Arias herself comments on the fixation her generation has with childhood, and she reflects self-critically on this tendency to persist in identifying with childhood (Longoni and Verzero 7–8).

Arias's play allows performers to shift between child and adult roles onstage in a way that both exposes the social constructedness of childhood and challenges narratives that lock characters into child identities. Works such as the soap opera *Montecristo*, and the films *Captive* and *Eva and Lola*, contain discovery plots in which characters find out they are children of the disappeared twenty to thirty years after the end of the dictatorship. Although they are adults, this development or discovery narrative recontextualizes them as children. Contrary to the coming-of-age genre, which traces the development of individuals, their assimilation into society, and their ultimate entry into adulthood, in these particular works their coming-of-age and identity discovery consolidates their public identities as children. The prolonged identification with childhood may hold special appeal in Argentina, a country deeply committed to memorializing the disappeared. Continuing to portray the second genera-



tion as children in human rights and governmental discourses, as well as the arts, represents a kind of ongoing memorial to the disappeared. Yet, as the case of Marcela and Felipe Noble Herrera makes clear, there are serious ethical and practical limitations to applications of the discourse of childhood.

By showcasing the story of Marcela and Felipe, the Kirchner government seeks to demonstrate its commitment to human rights, particularly relating to Argentina's dictatorial past, but the government also potentially undermines the scope of its human rights agenda by reiterating narratives that are fundamentally dependent upon biological relationships. This is similar to the risks run by family-based activist organizations and by broader cultural spectacles that re-iterate in certain ways the rhetorical scripts set by these organizations. The prolonged development of human rights discourse along bloodlines in Argentina has presented the country with what Jelin identifies as one of its greatest challenges: to move beyond a biologically motivated human rights agenda and "open up and invite the wider participation of citizens in the political debate on 'settling accounts with the past'" (177). This process of opening may be necessary to fully establish the better Argentina, the one peopled with citizens committed to justice and human dignity, promised by the transition to democracy. It may also have a positive impact on the work of supporting stolen children themselves, deepening a dialogue that takes into account both the important mission of the *Abuelas* to enforce the right to identity of their stolen grandchildren and the rights of individuals to choose identities that are not biologically determined.

*Bard College Berlin  
Berlin, Germany*

*American University  
Washington, D.C.*

### Notes

1. In his pioneering report *Botín de Guerra* (1985), Juan Nosiiglia stresses the importance of the children as "war booty"—specifically as objects rather than as people. We will return to this below.



2. Throughout this article, when we use the term “true identity” we are referencing the *Abuelas*’ belief that true identity is genetic identity, or, as Elizabeth Jelin puts it, “that the final test of truth lies in DNA testing, in genetics, in biology, and in blood” (191).

3. In her critique of the UNCRC, Sharon Stephens writes, “The Convention phrasing suggests a universal, free-standing, individual child. This is a child, moreover, on a particular developmental trajectory” (36). This developmental trajectory is central to Western conceptions of childhood. As David Archard writes, “Childhood is seen principally as a stage to the road to adulthood, which has a normative status. Childhood in relation to adulthood mirrors the primitive in relation to the civilised and the modern” (44). This developmental trajectory resonates particularly well in post-authoritarian democratic contexts (like Argentina’s) in which governments vacillate between backward and forward-looking agendas and consciously measure the progress achieved since the transition to democracy.

4. Texts originally in Spanish such as this one have been translated from the original for this article by Brenda Werth.

5. Arditti and Lykes give another, sinister reading: “Las mujeres en Latinoamérica son fundamentalmente apreciadas en su papel de ‘madres.’ Reteniendo a los niños nacidos en cautividad y entregándolos posteriormente como ‘botín de guerra’ se afirmaba el poder del Estado Patriarcal Militar sobre un aspect característico de la identidad femenina, la maternidad. Con la supresion de la madre, se quebranta el lazo humano fundamental, y esto robestece la creencia de que el Estado Militar controla toda oposición” (112–13).

6. Ideological and criminal complicity between the Catholic Church and the military dictatorship in Argentina has been amply documented by authors such as Verbitzky.

7. For histories of the *Madres* and *Abuelas*, see, for instance, Arditti; de Bonafini; Navarro.

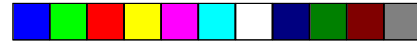
8. The following information is drawn from Elsa Pavón, “Testimonios; Paula Logares,” 2 Nov. 2004. Web.

9. We thank Emilio Crenzel for this insight.

10. For a broader analysis of this “process of re-scripting” see Vezzeti; Sonderéguer; Palermo and Novaro.

11. The Argentine soap opera *Montecristo*, a loose adaptation of Alexandre Dumas’s nineteenth-century novel *The Count of Monte Cristo*, premiered in April 2006. The first soap opera to address the dictatorship extensively, *Montecristo* amassed a viewership of over twenty-five million Argentines during the show’s nine-month run. Screenwriters Adriana Lorenzón and Marcelo Camaño adapted *Montecristo* to the context of post-dictatorial Argentina and centered much of the plot around the aftermath surrounding the disappearances and illegal appropriation of babies during the dictatorship.





12. Collaborations between the *Abuelas*, H.I.J.O.S., and artists include the Theater for Identity Movement (2000–present), Television for Identity, and Music for Identity. While these events are multi-vocal, presenting different voices and experiences (as we will discuss further below), performances of Theater for Identity, for instance, historically tended to be framed within the appeal framework set out by the *Abuelas*. For the first cycle in 2001, they each began with an artist reading a short script asking audience members to consider whether they might be stolen children. Such a line of enquiry echoes the *Abuelas*' radio spots and posters with the tagline: "Do you know who you are?"

13. Their annulment was made possible largely because of Argentina's constitutional reform of 1994, which made the treaty with the American Convention on Human Rights constitutionally binding and, under the influence of international law, redefined the criminal acts committed during the dictatorship as crimes against humanity (Ventura).

14. For fuller accounts see Brownell; Hernández; Sosa; White-Nockelby.

15. According to Argentine criminal law, articles 178 and 242 prohibit spouses and immediate family members (mothers, fathers, children, siblings) from testifying against each other in a court of law. The rationale behind these articles is to protect the cohesion of the nuclear family.

16. Sosa keenly observes that by destabilizing this sense of authorship based on bloodlines, Arias's play gestures toward the possibility of non-normative forms of mourning and attachment that go beyond the boundaries of the traditional family (2).

17. For in-depth treatment of the Noble Herrera adoption case, see Mochkofsky; Goldman.

18. One of the incidents related to this case that has most scandalized Argentines was the raid on the Herrera Noble children in their home ordered by the third judge in the case, Sandra Arroyo Salgado in 2010, in order to secure DNA material from their clothes and/or other personal items. According to reports, the children were forced to strip and hand over their personal belongings in front of people in their home ("Fuerte").

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