

Amnesty not Amnesia: Transitional Justice in Chilean Post-Dictatorship Film and Fiction

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Introduction: Amnesty and Truth-Telling

The move towards democratic or post-dictatorship transition usually entails some sort of temporal and spatial paralysis. Victims of these authoritarian regimes remain stuck in the past; time for them can never move forward since their past is never overcome. They are trapped in this dilemma: either choose forgetting the past (amnesty) or vengeance – neither of which will be able to even the “score,” hence, the impossibility of moving beyond this state of stagnation. The Latin American Southern Cone had suffered in the 1970s and the 1980s from authoritarian military regimes that were characterized by systematic suppression of political parties and the persecution of any form of resistance. Thousands were dead or missing and millions were forced into exile. However, in 1979, the new Brazilian president, General Fegueredo, issued a “mutual amnesty” for both state security agents and “political offenders.” This was a precedent for other Latin American countries which followed the Brazilian lead. This was considered by the succeeding leaders who were seeking stability the most suitable price for social peace and for gradual eradication of the brutal dictatorships. Chile suffered under the dictatorship of Pinochet (1973–1990). The regime left over 3000 dead or missing and 200000 were forced to flee the country. The regime admitted defeat in a referendum in 1990, but before the regime relinquished power, an amnesty law was passed, sparing most members of the military from being prosecuted by the successor government.

Nonetheless, responding to public pressure, the government created a truth commission only a month after Patricio Aylwin, the new Chilean president, assumed power in 1990. The Chilean Truth and Reconciliation Commission was a compromise solution as it was mindful of the immense suffering borne by the victims and their families as well as the unrest caused by the prosecution of military leaders of Argentina in the 1980s. The Commission was criticized because it was only allowed to investigate crimes resulting in death. In total, the Commission investigated 3400 cases of death and was able to conclude on all but 641 (Ensalaco 2000, 210). In 2011, the Chilean government officially recognized 36, 948 survivors of torture and political imprisonment.

In 1998, the Spanish National Court, the *Audiencia Nacional*, held that Spanish courts could exercise jurisdiction over the alleged genocide and torture committed in

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Chile by the Pinochet regime not only under Spain's universal jurisdiction law but because Spain had legitimate right to such a procedure as more than fifty Spaniards were killed or disappeared in Chile (Sadat 2006, 1002 – 1003). Pinochet was arrested in London, where he was seeking medical treatment, on a request for extradition from the Spanish investigating judge, Balthazar Garzón, but the House of Lords refused to extradite Pinochet and instead sent him back to Chile upon request of the Chilean government after 503 days in detention in the United Kingdom (Sadat 2006, 1004). In 2004, The Supreme Court of Chile decided to strip Pinochet of his immunity and charged him with killing 119 dissidents, but he was deemed unfit to stand trial for health problems. In 2006, he was charged with various charges of kidnappings and torture but died that same year without being convicted of any of the crimes during his administration.

This paper builds on Lawrence Weschler's *A Miracle, A Universe: Settling Accounts with Torturers* (1990) where Weschler is trying to answer these alarming questions: How can a regime be said to be respectful of rights if it ignores the rights of victims to justice? If amnesty is to be granted to dictators and their assistants, does this mean to turn such amnesty into amnesia? If the torturers are to go unpunished, should the record of their crimes disappear? Can truth-telling substitute punishment? How can victims redeem their past and proceed with their lives? The paper goes further to suggest solutions for victims in order to be able to "forgive" their oppressors and move beyond this state of paralysis.

Luc Huyse states that the strategies used in transitional periods worldwide varied drastically from "massive criminal prosecution of the supporters of the previous order to unconditionally closing it" (1995, 52). He cites all West European countries as an example for criminal prosecution of the collaborators of the German occupation during WWII, while in post 1989 East and Central Europe and post authoritarian regimes in Latin America, prosecution found no support (52). Huyse goes on to list four strategies to deal with the past: criminal prosecution, lustration or disqualification, unconditional amnesty and the fourth one, which is of special interest to the present study, amnesty but not amnesia, which is amnesty accompanied by truth commissions. This was the strategy used in Chile, which was consolidated by the establishment of the Chilean national Commission on Truth and Reconciliation. The goal of the Commission was not to punish or even to retaliate; it aimed to "ensure that 'the facts' are not forgotten but remain alive in the memory of the collectivity" (Huyse 1995, 53). Patricio Guzman agrees with the fact that memory should be kept alive: "The strength of memory is something that allows us to heal. For that reason, I believe it is so important to establish collective memory in order to be able to live now and to be able to construct a future (qtd in Brown 2013, 41).

Two literary works written by Chilean authors were chosen for this study: *Death and the Maiden* (1990) by Ariel Dorfman and *The House of the Spirits* (1982) by Isabelle Allende. However, their cinematic adaptations were not Chilean; *Death and the Maiden*, the movie (1994) was directed by the renowned Roman Polanski, and *The House of the Spirits* (1993) is a German- Danish- Portuguese coproduction

directed by Billie August. The third Chilean film, which is not adapted from a literary work, is *Amnesia* by Chilean director Gonzalo Justiniano (1994). Chile represents a unique case worldwide as a result of the creation of thousands of records documenting the human rights violations committed by the Pinochet regime. These archives had a significant role in the development of subsequent transitional justice mechanisms. The literary works dealt with here and their adaptations into film were chosen in particular because in the three of them scales of justice were eventually tipped for the victims. The victims were left with the decision whether to take revenge and thus become perpetrators in their own right or to forgive but not to forget by documenting the tragic suffering caused by the dictatorship. The three works are historiographies bearing witness to actual atrocities of Chilean post-coup dictatorship.

The Politics of Forgiveness

The questions raised in Ariel Dorfman's play *Death and the Maiden* do not much differ than those raised by Weschler in *A Miracle, A Universe*; Dorfman wonders: "[W]hat you do with the trauma of the past, how to live side by side with your enemies, how to judge those who had abused power without destroying the fabric of a reconciliation necessary to move forward" (Dorfman 2011). In his foreword to his book, Weschler says that "the desire for truth is often more urgently needed by the victims of torture than the desire for justice" (1990, 2). However, Peter Weiss in his review of Weschler's book wonders: "How shall torture be eliminated from the face of the earth if impunity for torture remains the rule of transition from a repressive to a rights-respecting regime?" (Weiss 1992, 583).

In "State Crimes of Previous Regimes: Knowledge, Accountability, and Policing of the Past" (1995), Stanley Cohen reviews the "justice in transition" debate and proposes five aspects to the debate: knowledge or truth phase, accountability, impunity, expiation and reconciliation. In the truth phase of social transitions, Cohen states that much depends on the relationship between the present and the previous regime. The knowledge phase is usually compromised because many people in power in the transitional democratic regime were either involved in crimes of the past or were simply silent witnesses to them. In most cases of dictatorships, the effective machinations of the state usually depend on the passivity of the trembling citizenry. Thus, the uncovering of past crimes might be either too dangerous or simply embarrassing (15). Cohen also agrees with Weschler about the importance of the knowledge phase because *knowledge* leads to *acknowledgement*: "Acknowledgement is what happens to knowledge when it becomes officially sanctioned and enters the public realm" (18).

The second aspect that Cohen inspects and that is of special interest to the present paper is that of accountability or the justice phase. Justice during a transitional period does not mean, however, crude vengeance, lynching or summary trials and executions. The accused should be given a chance of a fair trial that they never allowed their victims who are not seeking vengeance as much as the acknowledgement of the tormentors of their past crimes. It should be left eventually

to the collective conscience of the nation to choose to punish, expiate or even reconcile with the tormentors. In most cases impunity is granted for several reasons:

There is no political will or resources to do anything about the past; the army or security forces still retain enough power, openly or behind the scenes, to threaten any attempt to render them accountable; the current machinery of law enforcement is intimidated, politically unwilling, corrupt, or technically inept. Furthermore, the events of the past immunized themselves from later accountability: there was special legislation (for example, 'state of emergency' laws) which gave elaborate legal justification for just about anything [...]. (Cohen 1995, 30)

However, impunity does not mean forgiveness; it is not in the power of the society to forgive. Only the victim or the wronged has the right to forgive. But forgiveness has three conditions according to Molly Andrews: "First, forgiveness is predicated upon confession of guilt. Second, such confession will only be forthcoming if the surrounding atmosphere is right. Third, this confession is important not only for the development of individual spies, but more importantly for the moral redemption of the society" (Andrews 1999, 116). Consequently, unless victims and victimizers can face one another, society will remain torn apart and the hope for reconciliation will remain unattainable. However, such a confrontation may or may not result in forgiveness, but it is a first step towards peaceful co-existence or stability as states tend to call it.

On the individual level, the ramifications of torture push its victims into a cycle of solitude that cannot be easily, if ever, broken. Weschler uncovers the relation between torture and solitude:

[Torture] subverts the soul through the vulnerability of the body in which it inheres; teaching that one can be reduced to one's own body and nothing else [...] the fact of the absolute solitude of human existence, which is finally, in its most extreme expression, solitude before death [...] The scream that comes welling out of the torture chamber is thus double – the body calling out to the soul, the soul calling out to others – and in both cases, it goes unanswered. (Weschler 1990, 238)

Though there have been attempts from European countries, Denmark in particular, to help victims of torture to recover, these attempts were not very welcomed by some activists and therapists in the Third World, particularly in the Southern Cone. Weschler spent a few weeks surveying the treatment of torture victims at the Rehabilitation and Research Center for Torture Victims (RCT) in Copenhagen, Denmark. The Danish government assisted former torture victims financially, socially and medically. One Uruguayan therapist complained to Weschler: "The First World has already taken everything else from the Third [...]"

Now they want to own our suffering too, the last thing we have left” (Weschler 1990, 240). The second critique directed to such a project was considering torture victims as suffering from a definite medical ‘syndrome.’ Another Uruguayan therapist suggests the true therapy for torture ought to be revolution “overthrowing the system that tried to expunge that capacity for activism on behalf of those ideals. Short of that, however, therapy must consist in helping the torture victim to reintegrate himself into the ongoing struggle – nurturing his or her capacity for idealism once again, for activity as part of the larger group in which he or she was once a member” (Weschler 1990, 241).

From a psychological point of view, the decision not to consummate one’s revenge is a wise decision. Behavioral scientists have observed that revenge does not subdue hostility; it instead prolongs “the unpleasantness of the original offence” (Jaffe 2011). Moreover, revenge creates a cycle of retaliation because every person’s standards of justice rarely coincide with another’s. When the people are avengers, they believe their retaliation brings equity to their relationship with the offender. However, the avenged or the recipient of revenge usually perceives retaliation as excessive; thus, making it difficult for the cycle of revenge to end.

Post-Memory

This paper will attempt to answer Weschler’s questions about how victims can wholly or partially recover from past trauma and how they can live side by side with their victimizers in a civilized and stabilized society that respects the rights of all its citizens. For this matter, it is deemed necessary to borrow from Marianne Hirsch’s theory about post-memory that is defined as “the relationship that the ‘generation after’ bears to the personal, collective, and cultural trauma of those who came before” (Hirsch 2012, 5). Post memory is the summoning of a past traumatic experience that one did not experience directly, but this does not mean the usual memory that comes as a blurry vision of the past; rather, post-memory is a meaningful experience in itself:

Post-memory is the process by which the experience of traumatized individuals can be communicated to a wider audience. The aesthetic structures on which this process depends do not aspire to transmit the original trauma, which would be difficult to conceive in any literal sense, but simply to disseminate historical awareness among spectators and readers. (Hirsch 2012, 5)

So, the desired outcome is not a reenactment of the past trauma, but rather setting a platform where others can bear witness to the suffering of those victims and consciously become aware of the devastating social and psychological aftermath. These aesthetic structures are generally imaginative written or visual works. In Hirsch’s point of view these structures work as the lost link in the passage of memory from individual to collective memory. Post-memory’s link to the past is not simply created by recall but “by imaginative investment, projection and creation” (Hirsch

2012, 5). These aesthetic structures incite their readers and viewers to project and create in their minds their own memories of the radical injustices of the past, thus, offering some kind of solution to the state of paralysis mentioned earlier in this study: namely, the inability of the victims to move forward or to proceed with their lives. It is, moreover, a counter-history to the official narratives that are operating within the realm of oblivion and erasure. It promised to propose forms of justice outside of the hegemonic structures and to act as a form of social activism to “repair and redress” injustices. (Hirsch 2012, 15-16). The victims and their descendants will rest assured that their suffering would not be just a mere quick episode in history that should be forgotten in order to move on. Moving on does not necessarily mean letting go of past memories. There will always be a struggle between “popular memory” and official memory” as Foucault (1975) distinguished this conflicting binary: “Since memory is actually a very important factor in struggle (really, in fact, struggles develop in a kind of conscious moving forward of history), if one controls people's memory, one controls their dynamism. And one also controls their experience, their knowledge of previous struggles” (25).

By using Hirsch's post-memory theory, this paper will attempt to investigate how literary and cinematic constructions, “aesthetic structures,” perpetuate the memory and document the suffering of the tortured, disappeared or dead victims of the dictatorship in an attempt to restore reconciliation and peace in post-dictatorship societies.

“Aesthetic Structures”

The play *Death and the Maiden* opens with Paulina and her husband, Gerardo, at an unnamed Latin American country. Gerardo is a human rights lawyer recently appointed to a commission formed by the new government that succeeded the previous dictatorship. One day a storm forces her husband to ride home with a stranger. She is convinced that the stranger, Dr. Miranda, is no more but the doctor who not only supervised her torture sessions but took part in her rape as well many years before. Her torture and rape were perpetrated for weeks while she was blindfolded and that is why she could not totally confirm he is the same person. Paulina takes him captive to determine the truth. She holds a trial for Dr. Miranda and assigns her husband to be his attorney. Desperate to be set free, Dr. Miranda conspires with Gerardo to write a false confession if that was what she wanted in exchange for his life. Paulina is enraged and deems Dr. Miranda as unrepentant. Dr. Miranda is then driven out of the house and towards a cliff to be pushed off, but he implores Gerardo to call his fellow doctors who would confirm that he was innocent. Gerardo does and the doctors do confirm Dr. Miranda's innocence. However, Paulina would not accept the other doctors' testimony saying that many doctors arrange alibis for their fellow doctors. The play ends without confirmation whether Dr. Miranda was innocent or guilty.

The film bearing the same name *Death and the Maiden* (1994), directed by Roman Polanski and starring Sigourney Weaver and Ben Kingsley as Dr. Miranda, differs

from the play in its ending. Whereas Dorfman gives an ambiguous ending to his play, the film removes this ambiguity. In the end, Dr. Miranda not only confesses his crime, but also states that he enjoyed torturing and raping Paulina, and he regrets the old regime had fallen. The title of the play is taken from a piece of music by Franz Schubert by the same name. Paulina was fond of this piece until she grows to detest it as it was played in the background during her repeated torture and rape. The recurring of the music of Schubert's quartet is utilized for the resurrection of pain. Paulina plays it when it is her turn to prosecute Dr. Miranda; thus, classical music, which is originally evidence of the refinement and elevation of humankind, has become a companion to the bestial instincts of human beings and has turned into a recurring reminder of horrific memories that Paulina, and by extension her country, cannot escape:

I pray they won't play that anywhere I go, any Schubert at all, strange isn't it, when he used to be, and I would say, yes I really would say, he's still my favorite composer, such a sad, noble sense of life. But I always promised myself a time would come to recover him, bring him back from the grave so to speak, and just sitting here listening to him with you I know that I was right, that I'm—so many things that are going to change from now on, right? To think I was on the verge of throwing my whole Schubert collection out, crazy! (Dorfman 17)

Music has come to symbolize the victims' humanity and their ability to redeem the past, not by being consumed by vengeance, through getting the perpetrators to plead guilty even if the final verdict is to set them free. Letting go of the past with getting the perpetrators acknowledging their wrong doings sets the victims free of the paralyzed position (state of stagnation) they have been imprisoning themselves in for such a long time.

Paulina does not consume her vengeance neither in the play nor even in the film when Dr. Miranda confesses his crime. The victims' suffering cannot be redeemed by vengeance; victims only need criminals and perpetrators to confess and admit their crimes. Victims also do not want their society to forget; these heinous crimes should be recorded and kept alive in the memory of the nation. Paulina is suffering from Post-Traumatic Stress Disorder (PTSD). People suffering from this disorder lack narrative structure and instead of being able to tell their stories, they are silenced. Accordingly, their memories flood over them as a continuously relived experience. Thus, contrary to the national scheme of silencing the victims, it is vital for them to speak. Brown regards Dorfman's literary work as a valuable prescription for treatment: "Here, authors such as Dorfman, seem to excel where the government has failed" (2013, 42).

Dorfman (2011) states that he felt it was "the obligation of a writer to force the country to look at itself." Not only does he present the executioners as living their lives to the full without guilt, he also has questions for the democratic elite and for their victims: "[W]hat ideals [the democratic elite] had forced themselves to sacrifice

[...] are [the victims] going to perpetuate the cycle of terror, how can [victims] forgive if the price they are demanding is that [victims] forget?” (2011). Dorfman began writing the play in the mid-1980s, when he was in exile from Chile during the Pinochet dictatorship. It was not until 1990 when Chile became a democracy that Dorfman returned to the play and understood how the story had to be told. The play was premiered in July 1991 at London’s Royal Court Upstairs. After receiving the London Time Out award for best play in 1991, it was played at the London Royal Court Main stage. The play was received positively by critics as it was both dramatically engaging and historically timely. Dorfman finds it thrilling that his play “has not aged” since it still “confronts [people] with a tragedy that has no clear solution [...] the intricacies of memory and madness, the aftermath of violence, the uncertainty of truth and narrative, continue to capture the imagination of so many” (2011). It is interesting also that Dorfman chooses his protagonist to be a woman who suffers torture and rape, which adds insult to injury. Women for so long have been asked to forgive and let go of male domination and humiliation for the higher good of the family and accordingly, the nation. Dorfman insists that society should cease preserving its security and stability by denying the rights of the victims, let alone female victims.

The film was also positively received and in “Law on the Screen,” it was counted as one of the “law films” that “treat the law as their subject matter, create on-screen fictional legal systems that execute judgment, pursue justice, and construct social subjects and communities both on – and – off screen” (Sarat 2005, 29). The message behind the book and the film is that if it is absolutely necessary for a society in order to move forward after a dictatorship to opt for amnesty and reconciliation, this does not mean complete forgetfulness of the past, but rather, full disclosure of the gross violations of human rights and, accordingly, prevention of repetition of such acts in the future.

The play and film subvert the traditional image of a judicial trial. There is no clear-cut quadruple of two adversaries, a lawyer and a judge. The two adversaries are Paulina and Dr. Miranda apparently, but Paulina’s husband Gerardo is at times judge and at other times Dr. Miranda’s lawyer. Paulina herself is adversary and judge simultaneously. When Gerardo and Paulina are judges, they are not referees as much as investigators of truth and justice. Paulina, moreover, plays the lawyer who is trying to prove that the other adversary is her torturer/rapist but has no evidence except her memory. Dr. Miranda’s only alibi is for them to call his fellow doctors who will confirm that at the time of the crime he was out of the country, but Paulina the victim/lawyer swears they will lie only to help their colleague. Gerardo is lacking the impartiality of judges because he is the husband of one of the adversaries. In an extra scene in the film that is not originally part of the play, Gerardo becomes executioner in the scene when Paulina takes Dr. Miranda to the edge of the cliff to throw him off. Gerardo, after listening to the confession of Dr. Miranda that he enjoyed his crimes and was sorry the regime was over, becomes infuriated and is about to throw Dr. Miranda off the cliff, but it is Paulina who stops him from doing

it because she got what she wanted: admission of the crime, though there was no repentance. The film's final message is that justice is profoundly forgiving, and such forgiveness presupposes humanity, maturity and peace. The difference in the endings of the play and the film is significant: in the play, Paulina still maintains doubt towards her victimizer and has no solid proof of his identity except his voice, while in the film, Paulina gets a confession from Dr. Miranda. In the film, if Paulina would have pushed Dr. Miranda off the cliff, she would be settling scores with the oppressive system that had for long been abusing individuals for its own gain. However, "[b]eing merciful to former enemies whilst attempting to address the root causes of the conflict could reduce the justification for further violence, promote the development of the conditions for reconciliation and strengthen the establishment of human rights institutions" (Mallinder 2010, 209). Polanski is more eager than Dorfman in asserting the fact that vengeance will only reignite violence and that compromise and forgiveness are more effective tools for transitional justice.

Paulina herself is portrayed as executioner at the beginning of the play/film the minute she recognizes Dr. Miranda's voice. She first takes his car and pushes it off the cliff to subvert any attempt of escape. She then silences him by taking off her underwear and stuffing it in his mouth and tying both his hands and legs to the chair. Finally, she gets her husband's gun and is now fully ready to start the role of inquisitor. In another extra scene in the film when Dr. Miranda obstructs Paulina, so she falls down and loses the gun, Gerardo just stands there and does nothing to the bewilderment of Dr. Miranda who complains that he just stood there. Paulina states it aloud: "Of course [Gerardo] stood there, he's the law" (Polanski 1994, 49:18). If Gerardo symbolizes the law, then Paulina stands for the victims and Dr. Miranda for the dictatorship. Gerardo is amazed to learn that Paulina was not only tortured but raped as well. He asks her why she did not tell him she was raped; she says: "You never asked" (Polanski 1994, 53:03). It is only when the law listens that victims heal. The victims do not wish the death of the perpetrators as much as they want an admission of guilt. They want the law to record and acknowledge the sins committed by past dictatorship. The final scene of the film and the play represents this healing when Paulina, after so many years of inability to listen to Schubert's *Death and the Maiden*, goes to concert with her husband and listens to this symphony. Additionally, Dr. Miranda is present and is listening to the same symphony and Paulina and Dr. Miranda seem to have outgrown the past and are dealing with life from a more peaceful, civilized stance.

The concept that the law, represented by Gerardo, must be reached through an objective and an impartial stance is subverted. It is only when the law listens to both parties and processes the information using both professional tools and personal experience that the law could reach a just and considerate decision. The victims of torture are usually the weaker, voiceless party. Using the traditional objective reasoning will be totally unjust and oppressive to them. The final message of the play/film is that in such a vulnerable case as those of dictatorship victims, it is not viable to utilize the traditional law system that will, whether intentionally or unintentionally, take the stronger party's side under claims of stability and moving

on or whatever the justification is. Subjective experience and personal involvement are necessary judicial tools. Moreover, *Death and the Maiden* places the viewer as judge through its dramatic/cinematic judging process. The reader/viewer comes to identify with Paulina through positioning her as the most dominant, sympathetic character. However, Polanski added some extra scenes to the play to engage the reader closer to Paulina and her predicament. At the beginning of the film and play she is waiting for her husband to have dinner together. When he is late, she, in a scene added to the film, takes her dinner and eats inside a closet, projecting a feeling of vulnerability and insecurity. When Dr. Miranda's car is approaching her house, she turns off all the lights and hides behind a window to peek who it is. This insecurity and vulnerability are provided as a background for evaluating the narrative to come. When the confrontation begins, the viewer regresses with Paulina to her trauma, though without a single flashback, not in the film, nor in the play, experiencing her pain and humiliation. The viewer's association with Paulina's point of view is not complete until Dr. Miranda's confession towards the end of the film. The viewer, together with Gerardo, joins her in the impulse to take revenge for the abuse and suffering she has been experiencing internally for fifteen years since the fall of the dictatorship.

The cinematic techniques used in order to evoke memory in *Death and the Maiden* were ingenious. Roman Polanski, following Dorfman's lead in the play, opts not to use flashbacks of torture in favor of the more powerful focus on (post) memory and language to recreate pain. In addition to the cinematic techniques, the setting of both play and film is significant. Paulina is seen at the beginning confined willingly in a remote house by the sea, secluded from people and all signs of life. In the end, she is seen sitting in the midst of people in the concert, with her victimizer among the audience in a note that she is finally healed and can begin to be a normal citizen and act accordingly in the society. In the Chilean film *Amnesia* by director Gonzalo Justiniano, the protagonist faces a similar dilemma as that of Paulina in Dorfman's *Death and the Maiden*. The film narrates the encounter between the protagonist Ramirez, an ex-soldier, with a former army general, Zúñiga. During the Pinochet regime, Zúñiga used to torment Ramirez and even coerced him to kill two prisoners. Ramirez teams up with another Zúñiga victim, Carrasco, and, for 20 years, have been planning to kill him. The movie flashes backward and forward in a setting of a barren desert used as a concentration camp for political prisoners, where Zúñiga carries out the orders of his superiors ruthlessly and without regret during the last days of the dictatorship. The setting uses another different place, the coastal town of Valparaíso. However, both places, the desert and the coastal town, are sad and evoke the feelings of bleakness and loneliness as a result of having to bear witness to the atrocities of the past dictatorship without the ability to retaliate or even to publicly confess in order to have a clear conscience. Zúñiga, similar to Dr. Miranda, wishes memories to evaporate into amnesia: "We have to learn to forget, one must look to the future" (Justiniano 1994, 1:25:04, English subtitling).

Victims like Ramirez, though not directly subjected to torture themselves but were coerced into committing brutal acts against their fellow citizens and human beings, never forget how the regime legitimized the genocide of political dissidents. The passage of time could not heal the heavy conscience they were forced to bear within themselves throughout their whole life. When Ramirez and Carrasco actually have a chance to liquidate Zúñiga by hanging him, the protagonist is unable to carry out the murder. He realizes that no punishment, not even murdering the victimizer, will bring him redemption. He finds no punishment suitable enough to measure the grief and suffering, thus the immeasurability of what Brett Levinson calls “radical injustice” (2001, 33). Radical injustice emanates from immense suffering endured followed by a desire for vengeance. However, when the moment of payback comes, the victim finds no suitable means of punishment and feels that even the death of the victimizer would not balance the scales. The protagonist in *Amnesia* decides not to kill Zúñiga at the last moment. He, instead, preserves him in the condition of the victim to be liquidated: Zúñiga is spared only to be brought home by the protagonist and ex-prisoner to witness an anniversary dinner prepared by the ex-soldier’s wife. Zúñiga, with the noose still around his neck, sits down to the dinner table with an agonized face awaiting the final decision of his current tormentors.

What director Justiniano is trying to do in this film is an attempt at the publicization of pain against the privatization of pain that the dictatorship was striving at in order to urge victims to forget faster. Pino-Ojeda and Brena investigate, in their beautifully-writ paper “Latent Image: Chilean Cinema and the Abject,” these state attempts at the privatization of social memory by imposing a socioeconomic system of freedom of consumption and competition that aims at “dramatically postponing any kind of commitment to a communal process” (2009, 134). Art in general, and cinema in particular, is trying to bridge that gap between collective and individual memory. The reverse of the role of victim and perpetrator in both films *Death and the Maiden* and *Amnesia* helps build a platform upon which memory-based confessions are exercised. Thus, Chilean cinema “has certainly managed to express that pain (of trauma), positioning the spectator as a sympathetic, willing listener. It also functions as a repository for a disjointed collective memory in the process of elucidation and as a locus for social encounter and deliberation” (Pino-Ojeda 2009, 144). The transition that took place in Chile ousted the dictator himself but did not oust his consumer-based policy which sought to beautify and, thus, exclude any memories that should bring back any undesirable images of the past.

Films are not just mere motion pictures that are adapted from novels or plays to depict a story in a different medium. They use the cinematic techniques and visual language to reshape the viewer’s rendering of the workings of memory. This is what takes place to a great extent in the adaptation of Isabel Allende’s *The House of Spirits* novel into film. But first it is worthwhile mentioning that Isabel Allende, like Ariel Dorfman, was self-exiled to Venezuela for thirteen years. For both writers, memory, survival and solidarity are rooted in their experience of exile and accordingly writing becomes a tool to recover the loss of meaning that resulted from the loss of context. In her essay, “Writing as an Act of Hope”, Allende states, “[n]ow, finally, women

are breaking the rule of silence and raising a strong voice to question the world [...] [with] a literature that doesn't invent history or try to explain the world solely through reason, but also seeks knowledge through feelings and imagination" (Allende 1999, 45).

Originally intended as a nostalgic letter to her 99-year-old dying grandfather, Allende conveyed in *The House of Spirits* powerful personal, political and historical testimonies of Chile during the period from the 1930s to the 1970s. The novel portrays the brutal inequality the Chilean poor workers were suffering from at the hands of the exploitive capitalists of the country, the ferocious political strife between the socialists represented by the rightfully elected President Salvador Allende, and the conservative capitalists represented by Esteban Trueba.

The novel recounts the ascending of the poor miner, Esteban Trueba, from rags to riches. Trueba is a vicious man who rapes many of the peasant women and one of them gives birth to his illegitimate son Esteban Garcia. Trueba then marries Clara del Valle who has psychic powers and who gives birth to his daughter Blanca. Blanca falls in love with young Pedro Tercero who is banished from Trueba's hacienda on account of his revolutionary communist / socialist ideas. Blanca discovers she is pregnant with Tercero's child and, to save the family honor, Trueba marries her off to a French Count. Blanca gives birth to a daughter named Alba whom Esteban loves dearly. Alba, who loves the revolutionary Miguel, is taken prisoner by Colonel Esteban Garcia, Trueba's illegitimate grandson, and is repeatedly tortured and raped to get information from her about her lover, Miguel. Alba is freed at last and Trueba dies in his granddaughter's arms after helping write their memoir. This assistance in writing their memoir renders him partially forgiven. Alba decides not to seek vengeance on those who have injured her, suggesting a hope that one day the human cycle of hate and vengeance might be broken:

It would be very difficult for me to avenge all those who should be avenged, because my revenge would be just another part of the same inexorable rite. I have to break that terrible chain. I want to think that my task is life and that my mission is not to prolong hatred but simply to fill these pages while I wait for Miguel, while I bury my grandfather, whose body lies beside me in this room, while I wait for better times to come, while I carry this child in my womb, the daughter of so many rapes or perhaps of Miguel, but above all, my own daughter. (Allende 1988, 432)

The father figure, Esteban Trueba, is a symbolic figure of the Chilean dictator who wants to control every action of his descendants. However, his daughter and granddaughter resist this patriarchal manipulation and go their own courses. Even his wife, Clara, adopts a form of resistance to her husband's despotism: silence. The death of the father figure is the end of the horror of the military dictatorship, but the recording of the memoir points at how far the weight of the past will govern the future and how far it will be possible to deal with the trauma of the past. After the

military coup, Alba notices how the government was trying to rewrite its own history; she writes, "[w]ith the stroke of the pen, the military changed world history, erasing every incident, ideology, and historical figure of which the regime disapproved" (Allende 1988, 383). But Alba believes resistance to the dominant dictated history should not be silence and keeping a private journal like her grandmother did. Alba was writing from the record kept by her grandmother, Clara: "she was already in the habit of writing down important matters, and afterward, when she was mute, she also recorded trivialities, never suspecting that fifty years later I would use her notebooks to reclaim the past and overcome terrors of my own" (Allende 1988, 1). The most effective way to deal with the trauma of the past in Allende's book, as was previously the case for Dorfman's *Death of the Maiden*, is to keep it alive for the coming generations in order not to forget. After being imprisoned for being loyal to socialist rebels after the coup, Alba gets tortured and raped. While in prison, Clara's ghost encourages her granddaughter to keep a register for those who lost their lives during the Pinochet dictatorship. Clara's ghost convinces her that

the point was not to die [...] but to survive, which would be a miracle [...] And it is Clara's spirit which encourages her to write in order to survive: She [Clara] suggested that she write a testimony that might one day call attention to the terrible secret she was living through, so that the world would know about this horror that was taking place parallel to the peaceful existence of those who did not want to know, who could afford the illusion of a normal life, and of those who could deny that they were on a raft adrift in a sea of sorrow, ignoring, despite all evidence, that only blocks away from their happy world there were others, these others who live or die on the dark side. (Allende 1988, 414)

However, Alba, unlike Paulina in *Death and the Maiden*, quickly regains her stability and activism because she immediately starts to narrate the story of her family and her country based on the memoirs of her grandmother. Alba overcomes her trauma by recording it from the very beginning, while it takes Paulina fifteen years to overcome hers; thus, keeping herself in the 'state of stagnation' aforementioned in the study. Another reason that helps Alba overcome the attempts to break her spirit is the group of the imprisoned women who give her the moral energy to survive torment and rape. As Sheffield (2002) argues, the "feminine collective" of the detention camp "provides the support Alba needs to present the revision of history present in the novel; it is the chorus of women's voices following behind her that gives Alba the ability to write and preserve their (and her) testimonies" (37). Whenever Alba wanted to surrender to the relief of death, women in the detention camp would give her notebooks to record her/their story. Alba states:

I had managed to resist the inferno with certain integrity, but when I felt so much support, I broke down. The smallest expression of tenderness sent me into a crying fit. I spent the night with my eyes wide open,

wrapped in the closeness of so many women, who took turns watching over me and never left me alone. They helped me whenever I began to suffer from bad memories or when I saw Colonel García coming to plunge me back into his world of terror. (Allende 1988, 426)

The will to survive is what prompts her to begin writing, so she recalls and records her own recollections as well as those of her grandmother's. On the power of memory Frick (2001) states: "remembering evolves as an empowering cultural response to trauma, through which the stories of the past are retold in an effort to shape the present and the future" (28).

The film *The House of the Spirits* had the privilege to have an all-star cast: Jeremy Irons, Meryl Streep, Glenn Close, Winona Ryder, Antonio Banderas, Vanessa Redgrave. The director and screenwriter is the respected Dane Billie August, who took the multi-layered story across several decades and weaved it into this simple story "about a man who makes a lot of mistakes. He thinks he has the right. But in the end, he makes atonement. He is a human being, and he has both the power to forgive and the right to be forgiven" (Hunter 1994). Isabel Allende thinks the adaptation of her book into a film served her novel well and reshaped it into a unified story easier to be narrated:

I think that Billie achieved something that I never could for myself. Because if you had asked me before the movie was made what the book was about, I couldn't say, because for me all the stories have a level of importance. However, Billie was able to get from the book the main story, the main characters and tell the story, eliminating all the sub-stories without losing the spirit of it. So when I saw it, I could finally tell my children what it was about! (Hunter 1994)

Clara and Alba are, deservedly, the two most central characters in the novel, due to their role as family scribes; they record the history and keep the memory of the Trueba family. Clara begins her testimony in her period of silence in reaction to her husband's injustices and brutality, while Alba begins hers in her solitary confinement during her imprisonment. Both embark on a journey of giving voice to the voiceless and of keeping memory alive. It is noteworthy that this family diary will become the mediator between past, present and future. It will also honor those who lost their loved ones or suffered immensely under the dictatorship.

Unlike *Death and the Maiden* and *Amnesia*, *The House of the Spirits* (novel and film) is archiving the testimony in writing, thus, creating a historical memory of the human rights violations committed under the Pinochet dictatorship. Of the three works selected for this study, Allende's novel is by far the most hopeful; the past is reclaimed through female lineage as her character Blanca predicts that her child "will be a girl and will be called Alba" (August 1993). This prediction has an echo in *Amnesia* when the pregnant woman says that her child "is going to be a girl and will

be called Tanya” (Justiniano 1994, 48:20). The point that female characters are chosen for allusion to the future is that women are excellent story tellers, like Scheherazade from *The One Thousand and One Nights*. The past may be finished and gone, but memory is not, and this is obvious in Allende’s epilogue to her novel:

*How much does a man live, after all?
Does he live a thousand days, or one only?
For a week, or for several centuries?
How long does a man spend dying?
What does it mean to say "for ever"?*
Pablo Neruda

The cinematic techniques used by Gonzalo Justiniano in *Amnesia* and Billie August in *The House of the Spirits* differ from Roman Polanski’s *Death and the Maiden*; Justiniano chose to use flashbacks to create the eerie atmosphere of torture and suffering in the former and August used flashbacks to prove time is cyclical in the latter.

Conclusion

The literary and cinematic works chosen for this study do not seek a way to avenge; instead, they seek to externalize the pain the victims bear. They give victims a chance to retell their traumatic stories, opposing the national interpretation of events. These works give voice to the silent viewers who have suffered similar experiences, defy the oppressors who might be present in the audience and provide hope of healing to victims who are still living in the aftermath of dictatorial rule. Paulina in *Death and the Maiden*, Ramirez in *Amnesia* and Alba in *The House of the Spirits* are persistent mainstays of social conscience and civil responsibility against patriarchy, dominance and politically dictated history and memory. These works examine the conflict between two histories: the dominant, governmental history and that of the victims; the former trying to deny the wrongdoings and the latter asserting the occurrence of brutal manifestations of power. The insistence on publicizing the memory of pain offers the victims a way for salvation and offers the readers and viewers a re-vision of history. This study tried to conceptualize memory and trauma while grounding traumatic testimony during the time of dictatorship in the collective memory so that individual victims might still continue to feel a sense of belonging to the collectivity. Moreover, the study addressed the issue of torture and rape, an issue that might be of interest to scholars of gender and security and law and society. Further research might be needed to compare male and female narrativity and modes of writing. Also, this study can be taken further to include other disciplines like morality and politics or morality and medicine. In a final note, the survival of victims does not only mean living and breathing among their society, but what matters most is living with dignity and peace within a society that acknowledges the victims’ role in bringing this peace into existence.

References

- Allende, Isabel. 1988. *The House of the Spirits*. Translated by Magda Bogin. New York: Bantam Books.
- Allende, Isabel. 1999. "Writing as an Act of Hope". *Paths of Resistance: The Art and Craft of the Political Novel*, edited by W. Zinsser, 41-63. Boston: Houghton Mifflin.
- Andrews, Molly. 1999. "The Politics of Forgiveness." *International Journal of Politics, Culture and Society* 13 (1): 107–124.
- August, Billie, director. 1994. *The House of the Spirits*. Warner Bros. 2 hr., 20 min.
- Brown, Michael Raul. 2013. "Finding Peace by Chile's Troubled Waters: Breaking the Dam of Memories in Ariel Dorfman's 'Widows.'" *South Central Review* 30 (3): 40–60.
- Cohen, Stanley. 1995. "State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past." *Law and Social Inquiry* 20 (1): 7–50.
- Cooper, Sara E. 2008. "Family Systems and National Subversion in Isabelle Allende 'The House of Spirits.'" *Interdisciplinary Literary Studies* 10 (1): 16–37.
- Dorfman, Ariel. 1994. *Death and the Maiden*. New York: Penguin Books.
- . "Death and the Maiden's Haunting Relevance" *The Guardian*, October 14, 2011. <https://www.theguardian.com/commentisfree/2011/oct/14/death-maiden-relevance-play>.
- Ensalaco, Mark. 2000. *Chile Under Pinochet: Recovering the Truth*. Philadelphia: Pennsylvania University Press.
- Foucault, Michel. 1975. "Film and Popular Memory." *Radical Philosophy* 11 (Summer): 24-29.
- Frick, S. R. 2001. "Memory and Retelling: The Role of Women in La Casa de los Espiritus." *Journal of Iberian and Latin American Studies* 7 (1): 27-41.
- Hirsch, Marianne. 2012. *The Generation of Postmemory: Writing and Visual Culture after the Holocaust*. New York: Columbia University Press.
- Hunter, Stephen. 1994. "'House of the Spirits': Its Magic May Not Survive the Screen's Realism." *The Baltimore Sun*, March 27, 1994. <https://www.baltimoresun.com/news/bs-xpm-1994-03-27-1994086210-story.html>.
- Huyse, Luc. 1995. "Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past." *Law and Social Inquiry* 20 (1): 51–78.
- Jaffe, Eric. 2011. "The Complicated Psychology of Revenge." *APS Observer* 24 (2011): n. page. <https://www.psychologicalscience.org/observer/the-complicated-psychology-of-revenge>
- Justiniano, Gonzalo, director. 1994. *Amnesia*. Arca Ltda. and Cine Chile. 1 hr., 30 min.
- Levinson, Brett. 2001. *The Ends of Literature: The Latin American "Boom" in the Neoliberal Marketplace*. Stanford: Stanford University Press.

- Pino-Ojeda, Walescka and Mariana Ortega Brena. "Latent Image: Chilean Cinema and the Abject." *Latin American Perspectives* 36 (5): 133-146. <https://doi.org/10.1177/0094582X09341980>.
- Polanski, Roman, director. 1994. *Death and the Maiden*. Capitol Films. 1 hr., 43 min.
- Sadat, Leila N. 2005. "Exile, Amnesty and International Law." *Notre Dame Law Review* 81 (3): 955-1036. <https://scholarship.law.nd.edu/ndlr/vol81/iss3/5>.
- Sarat, Austin, Lawrence Douglas, and Martha Merrill Umphrey, eds. 2005. *Law on the Screen*. Stanford: Stanford University Press.
- Sheffield, Carrie. 2002. "Voices from the Political Abyss: Isabel Allende's *The House of the Spirits* and the Reconstruction and Preservation of History and Memory in 1970s Chile and Beyond." *Proteus: A Journal of Ideas* 19 (2): 33-8.
- Stuber, Dorian. 2013. Review of *The Generation of Postmemory: Writing and Visual Culture After the Holocaust*, by Marianne Hirsch. *Bryn Mawr Review of Comparative Literature* 10 (2). <https://repository.brynmawr.edu/bmrcl/vol10/iss2/5>.
- Weiss, Peter. 1992. Review of *A Miracle, a Universe: Settling Accounts with Torturers*, by Lawrence Weschler." *Human Rights Quarterly* 14 (4): 577-584.
- Weschler, Lawrence. 1990. *A Miracle, a Universe: Settling Accounts with Torturers*. New York: Pantheon Books.