

# Psychoanalytic, Psychosocial, and Human Rights Perspectives on Enforced Disappearance

Edited by  
Maria Giovanna Bianchi  
and Monica Luci

First published 2024

ISBN: 978-1-032-32058-8 (hbk)

ISBN: 978-1-032-32057-1 (pbk)

ISBN: 978-1-003-31264-2 (ebk)

10

## **Tortured and disappeared bodies**

The problem of ‘knowing’

*Monica Luci*

(CC BY 4.0)

DOI: 10.4324/9781003312642-14

The funder for this chapter is The University of Essex

# Tortured and disappeared bodies

## The problem of ‘knowing’

Monica Luci

---

### Introduction

This chapter questions the issue of the location of ‘knowing’ in societies that practice torture and enforced disappearance. These societies are generally characterized by a widespread denial that social violence is taking place. In light of this consideration, this essay intends to pursue the hypothesis that the bodies of citizens who were tortured and then disappeared are the places where such ‘knowing’ ends up.

Such bodies are the ‘places’ in which the unprocessed social contents are stored and interrogated through the torture by the ruling group, and then, made to disappear, sometimes forever, to represent the impossibility of knowing, the closure of social spaces for a politically self-aware subject.

The combination of crimes such as torture and enforced disappearance perpetrated by states represents an extreme social case that illustrates the processes leading to the social dynamics of a massive and widespread denial of what is happening in a society that has slipped into what I call a *monolithic societal state* (Luci, 2017a, pp. 135–139). This insight comes from the treatment of those who survived torture and were lucky enough to get a psychotherapy. In these psychotherapies, in fact, the patient’s body in its post-traumatic suffering and the therapist’s body in their countertransference return truths that are not only individual but are linked to the life of the social group. In these clinical cases, individual and collective life become one, personal and political body, and psychotherapy is often aimed at disentangling the two and articulating their relationship in more complex and subtle ways (Luci, 2022).

### Torture and enforced disappearance

The term ‘torture’ describes a crime, a severe violation of human rights, a situation of horrific pain and suffering, physical and psychological, being inflicted on someone mostly in captivity; a cruel and degrading abuse of human beings with the potential for serious lifelong suffering as aftereffect (Luci, 2017a). According to its definitions in several conventions, for the violence to be considered torture, severe pain or suffering, physical and/or psychological, has to be inflicted on the individual by a public official, i.e. a representative of the state, and for some specific

reasons (extortion of information or confession, punishment, discrimination) (for an analysis of definitions, see Luci, 2017a, pp. 3–14). In addition, according to some authors, torture is “much more than a deliberate, systematic, or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority to extract information or a confession from an individual” (World Medical Association’s Declaration of Tokyo, 1975); it is an “act of terrorism aimed at instilling a paralyzing fear not only in individuals but also in the family, the community and society” (Ortiz, 2001, p. 14), keeping this society under strict control. In some (civil or conventional) wars, it is also used as a weapon, an illegal weapon, against civilians.

An ‘enforced disappearance’ is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law (Article 2 of the ICPPED and Preamble of the Declaration on the Protection of all Persons from Enforced Disappearance). It is characterized by three cumulative elements (defined in A/HRC/16/48/Add.3<sup>1</sup>): deprivation of liberty against the will of the person; involvement of government officials, at least by acquiescence; refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.

A disappearance has a doubly paralyzing impact: on the victim, who is removed from the protection of the law, frequently subjected to torture and in constant threat of their lives; and on their families, ignorant of the fate of their loved ones, their emotions alternating between hope and despair, wondering and waiting, sometimes for years, for news that may never come. Enforced disappearance has frequently been used as a powerful strategy to spread terror within societies by authoritarian regimes or parastatal forces. The feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole. And the more arbitrary it is, the more threatening and effective it is at silencing society because it is unpredictable who will be the next.

A debate developed around the overlapping of these two crimes and there are strong arguments to consider that enforced disappearance is a form of torture (Huerta Perez & Esgareño, 2021; Perez-Sales, Duhaime, & Méndez, 2021), since it implies, toward the person disappeared, *intentionality, purpose, suffering, powerlessness, absolute deprivation of will and attacks to dignity*.

### **The concept of embeddedness and the disappearance of ‘knowing’ in perpetrators, bystanders and victims**

The concept of embeddedness expresses the notion that social actors exist within relational, institutional and cultural contexts and cannot be seen as atomized decision-makers and embeddedness approaches prioritize the different conditions within which social action takes place. This is of crucial importance to

understand these crimes, since it implies that torture and enforced disappearances are not the result of a few “rotten apples in the barrel,” or of isolated groups, but the precise effect of the establishment of certain socio-political conditions to which many different social actors contribute (Kelman, 1993; Staub, 1989, 1993, 2003). Only a systemic approach to the matter enables to understand deeply the nature of such crimes. This approach makes apparent to what extent we are socially, intellectually and culturally embedded and above all unconsciously imbricated (Cohen, 2001).

From my previous research on torture, it emerged that the disappearance of ‘knowing’ from ‘torturous societies’ is the actual pivotal point to every kind of social actor involved, i.e. perpetrators, bystanders and victims (Luci, 2017a).

Perpetrators seem to stage a crime of obedience: torture is not private violence, the action is supported by the authority structure, as long as the perpetrators have good reasons to believe that the action is authorized, expected at least tolerated and probably approved by the authorities (Kelman & Hamilton, 1989, p. 50). Generally, a military or civil chain of command is in place when torture occurs and actual torturers are typically ordinary human beings who perform violent and abhorrent acts under particular socio-political situations and work circumstances, thanks to ‘states of absence,’ dissociative states – produced through a specific training – that enable them to inflict cruelties on other human beings. Such dissociative states that enable to practice torture and other atrocities are intentionally and carefully fabricated through specific kind of training and techniques which are usually prerogative of the police, the army and the secret services, that is, those sections of the state appointed to manage ‘legitimate violence’ (on this topic, see Luci, 2017a, pp. 31–49).

At institutional level, in order to perpetrate enforced disappearance, there is need of a wide network of more or less conscious complicity. Under Article 4(1) of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), high-ranking officials, who instigated, ordered, authorized, or approved the commission of illegal techniques amounting to torture by their soldiers, are criminally liable of torture for their participation or complicity in the crimes committed by subordinates. In enforced disappearances, we find the same level of institutional complicity, despite all States have an obligation to promptly, thoroughly, impartially and effectively investigate allegations of enforced disappearance to bring those responsible to justice. However, in practice, the prosecution of higher-rank officers and above all political leaders is difficult and always controversial (Bantekas, 1999, 2000; Bonafé, 2007; Martinez, 2007; Meloni, 2010; Mettraux, 2009) and it is not clarified what kind of link there might be between political and military fields. Orders become mini-policies or grand policies as one moves up a chain of command, and policy is logically of a much more general nature than a specific order or the actions carried out in response to it. About torture, Conroy (2000, p. 256) comments that it appears as the perfect crime, perfectly designed to conceal responsibilities in a huge collective collusion: in fact, a puzzling ‘natural crime.’

Under different regimes and in democracy, torture is supposed to be clandestine. Nonetheless, the public has to be given enough information to be persuaded that the repression was justified; hence, we can say that there is ‘twilight’ state of mind in the population. Indeed, torture in the context of enforced disappearances is mostly used as punishment for the victim and as means to terrorize and silence the family and population in general. Indeed, although torture happens in secret and separate spaces, it is also *shown* and news about torture are left leaking in order to paralyze society. In a similar way, although enforced disappearances leave the families in the uncertainty of what happened to their loved one, they instill the idea that he or she must have done something to deserve punishment, and that for this reason, *he or she is somewhere between the prison and the grave*. For this reason, for example, the Argentinean junta generated a richly verbal and sophisticated version of the ‘double discourse’ in a delicate balance between making state terror known yet hiding or denying its details. The regime denied (by definition) the existence of *desaparecidos*, and simultaneously proclaimed that victims got what they deserved. This double discourse was supposed to be normal – opponents were demonized, repression justified and terror heightened by uncertainty. The regime used language to disguise its true intentions, say the opposite of what is meant, inspire trust, instill guilt in parents to seal their complicity, and spread a paralyzing terror (Feitlowitz, 1998, p. 20). Abductions were ‘public’ spectacles, but also clandestine and later totally denied. Details of the torture, the killings, the disposal of the bodies remained secret and state violence was enacted behind closed doors, but terror was continually projected on to the public through unofficial leaking of news about torture and disappearance. Life was in two parallel worlds, public and secret: bystanders recognized what they saw, yet avoided this recognition; knew the general facts, yet did not believe them. The political split between closed and open created a state of mind that was expressed afterwards in the common refrain ‘we knew but we didn’t know.’ And even if you did ‘really’ know, the price for making public knowledge open was too high (Hollander, 2008). Fear generated a state of self-censorship that makes likely that you avoid talking in public or even with your friends, or that you monitor internal thoughts. The Argentinean junta’s media communiqué and news addressed the victims’ family and friends, who were told to keep quiet about the disappeared person who would only cause them dishonor. The disappearance was surely proof of guilt (Cohen, 2001, p. 155; Graziano, 1992, p. 77). In the population of active and passive bystanders – a position in which an entire population can be put – this ‘absence of knowing’ can be retraced in the many forms of denial, from passive to active, that allow people to live in a state of ‘knowing and not knowing’ that torture and enforced disappearance are carried out. ‘Bystander’ is the term most widely used in literature on collective violence to describe those who are neither victims nor perpetrators (Cohen, 2001; Staub, 2003, 2012). Here the term is used to indicate all those people who share a range of mental states of denial that torture and enforced disappearance is happening. Some authors suggest that the bystander position is crucial to the maintenance of the world of atrocities (Cohen, 2001; Crelinsten, 2003; Hollander, 2008). The passivity or

silent acquiescence on the part of the larger society allows the authoritarian reality construction to spread into more and more spheres of political and social life until it is sufficiently anchored in law, custom and discourse to define what is right and what is wrong, what is permissible and what is not.

Silence is often also what characterizes the victims, for those who survive, a tiny minority of those disappeared. Their silence comes from the deep transformations their self has gone through because of the extremely traumatic experience of torture, captivity, incommunicado and physical and psychological abuse. In the frame of an attempt to give a name to the survivors' suffering, concepts have been proposed to classify the longer-term effects in personality and world view (Complex PTSD, Continuous Traumatic Stress Response, Disorders of Extreme Stress Not Otherwise Specified, Enduring Personality Change after Catastrophic Experience) (Herman, 1992; WHO, 2016; Luci, 2022). Trauma of the interpersonal type is more harmful than that caused by natural disasters or accidents, and produces more profound suffering that may crystallize into disorders in the individual's identity and beliefs, like in "complex trauma". In addition to the typical symptoms of post-traumatic stress related to a single event, complex trauma is characterized by alterations of consciousness and dissociative symptoms that disorganize the functioning of the individual at different levels, biological, physiological, behavioral, relational and at level of identity, in direction of a deficit of integration and alteration in the functioning of memory. The alarm responses remain active – like in the PTSD – but are located within the person's self, which in time becomes deeply changed, often fragmented, inconsistent, pessimistic about one's life and future. Not only the psyche, but the bodily self of a person with a complex trauma expresses this disintegration through somatization or physical problems. These somatic reactions and medical conditions may relate directly to the type of abuse or physical damage suffered or they may be more diffuse (Herman, 1992).

The difficulty of survivors in sharing their experience with the rest of humanity is expressed in many forms: post-traumatic avoidance symptoms, feeling that they will be not believed, amnesia, distrust in life, God, and humanity. This is clearly visible in the consequences of torture. All those who endured torture know that they will not be the same anymore. Améry states, "Whoever has succumbed to torture can no longer feel at home in the world" (1980, p. 40). All this does not make it easy to disclose what happened, even in those circumstances in which it would be reasonable or even required, like in psychotherapy, or during an interview for an asylum application, in case they become refugees, or witnessing in a trial, or with family, friends and in close relationships. And the silence in which the families of those disappeared feel themselves entrapped into is something central to their suffering, too.

### **The contraction of spaces and monolithic societal states**

Relying on psychoanalytic concepts about the functioning of self, derived from American Relational Psychoanalysis, Object Relations Theories and Analytical Psychology, I elaborated on a specific idea of self and internal objects that might

account for the way individuals and groups operate in torturous societies and their institutions (see Luci, 2017a, chapter 4). I called ‘reflective triangle,’ the self’s ability of knowing, resulting from a pattern of interconnections that allow the mental ability of processing at the same time identity and difference in relation to others. Ideally, this reflective triangle keeps together three poles, Me, You and Other and it represents the mental capability to process at the same time identity (Me-You, You-Me) and difference (Me-Other, Other-Me), creating a ‘space in-between’ (the area of the triangle) that is an empty, not pre-determined potential space for meaning. Whereas the environment ‘impinges’ on mind the delicate processing of the reflective triangle is interrupted and, we might say, ‘the reflective triangle’ splinters flattening the creative and symbolizing space in-between. The rests of the splintered reflective triangle are paired and linear horizontal and vertical internalized and external relations that process identity and difference separately, in relation to different others. This is what makes individuals align in monolithic groups, where a leader is taken as ideal (Freud, 1921). In this state, individuals in these groups are in the grip of *states of twoness*: they are aware of identity and not of differences (segment Me-You and You-Me) or are aware of differences and not of identity (segment Me-Other and You-Other), feeling dependent or absolutely independent. Mechanisms like projection, identification and projective identification are used not only as forms of groupal defense but as mental states for the construction of a specific kind of knowledge (Luci, 2017a, pp. 147–148), a specific heuristic attitude.

These psychic dynamics make mental and social spaces ‘contract’ and this has an interesting effect on the possibility of ‘knowing,’ on the reflective abilities of mind. Torture and enforced disappearances make their appearance in what I termed *monolithic societal states*, where the tension between the three poles cannot be kept, and the social *in-between space* for transactions, negotiations, meaning making activities among different groups narrows and often collapses. *States of twoness* appears in the social life of *monolithic societal states* characterized, on one hand, by the ‘pathology’ of unity – *identity* becomes *identi-fication* with peers through a political and/or religious ideology – and, on the other hand, by the ‘pathology’ of difference – that becomes social fragmentation and individual isolation. In both these conditions, social conflicts cannot be processed in the framework of a shared system of rules – the law – because this implies mutual recognition (Benjamin, 2017) and creative and reflective thinking – which connects body-states, affects and cognition – is largely impeded. In Jungian terms, this is an impairment of the ‘soul’ function (Luci, 2023).

My hypothesis is that *monolithic societal states* arise as a product of the splintering of this ‘reflective triangle’ in large group dynamics due to a widespread, uncontained overwhelming dread. Tremendous emotions triggered by a perceived threat to survival make the task of processing identity and difference in group relationships impossible: as a consequence, identity is emphasized as a base for togetherness among those who are perceived as in-group (Me and You, You and Me are together on the base of our similarity and our ‘togetherness’ cannot be disturbed by possible difference), usually in the majority group. On the other hand, difference is overstated for out-group people, those who are put outside the protection of law



(Me and the Other, You and the Other are separate on the base of our difference, so that we are not disturbed and/or contaminated by difference), usually referred to members of minority groups. This results in a sense of fusion with peers through a unifying principle providing a sense of purity/identity/oneness with the group, merging with its leader giving a sense of triumphal superiority, and separateness from the powerless, the inferiors, those made different, who are placed in a subordinate status. This guarantees some degree of relief from dread and sense of vulnerability.

*Monolithic societal states* can be identified in different historical and political phenomena such as totalitarianism, fascism, religious fundamentalism, communism, theocracy and nationalism, which often made (in the past) and are making (in the present) use of torture and enforced disappearances. Often torturous societies are characterized by a rigid political and/or cultural context. Although different in their historical and political meaning, they show some similarities: a common delusion of unity (of the nation, people, believers, comrades etc.) while often hiding an extremely fragmented society holds together through a set of principles of identification collectively assumed. This pretended unity becomes the ground to impede a truly democratic processing of multiple opinions, economic interests, political positions, etc. The term 'monolithic' is to signal both this rigidity and the fact that their social and political life relies on fixed positions, a specific ideological thinking, and a peculiar relational style, characterized by an 'adhesive' way to stay together, to form a unique solid social body with no space between people, no mutuality, and very constrained subjectivity. And enforced disappearances are powerful devices to keep such a state of things, to freeze and, if possible, make a social body even more monolithic, solid and still. I do not refer only to totalitarian states but also to democracies entered into a monolithic mode of governance where the social processes of representativeness are in fact constrained, and the space for mutual recognition among different groups become very narrow.

Current psychoanalysis is more and more conceptualizing mind in 'systemic' terms, as an emerging property of multiple self-states in each other interaction. A healthy self is described as a shifting among multiple self states engaged in processing experience and 'allowing' the emergence of new meanings (Bromberg, 1993, 1998; Jung, 1920, 1928; Mitchell, 1993). This systemic metaphor lends itself to comparison with groups and society, and enables to understand the mutual influences between inner and outer worlds. According to relational psychoanalysis, subjectivity is essentially constructed in the context of relationships and is intersubjective at its core. Personal experience is created and re-created at the threshold of the intrapsychic and the social, amid the integration of diverse elements of personal experience and the world of internal object representations and external relationships, such that they are inextricable. According to this view, subjectivity encompasses both 'me-ness' and 'we-ness': the awareness of both interpersonal differentiation and connection in the construction of self and relatedness is thus maintained and coordinated. At the cross-roads of two axes, me-ness/we-ness and difference/identity, we find a different quality of knowledge and different processes of 'knowing.'



### **The body of victims as location of ‘knowing’**

Going back to the main point of this chapter, psychotherapy with torture survivors suggests that there is a site where, in case of severe social violence, the social knowing is stored and can be regained: this place is the survivor’s body.

The body is always *the* place of an intersubjective encounter, especially in the case of violent encounters. It is the body (and not property or other goods) the place of storage for the worst forms of pain, terror, degradation and suffering. Torture shows that the violence perpetrated is a hideous attempt to expose, penetrate and occupy the material human form. The physical and psychological trauma of torture combined with the experience of displacement causes survivors’ therapy sessions to be filled with silence and dissociative mental states (Luci & Kahn, 2021) in which the body is the foreground (Luci, 2017b, 2022). In the case of torture victims, due to their exposure to a severe and relational trauma, the self disintegrates along with the loss of their subjectivity. The person perceives himself as an object in someone’s hands, the tormentor, without the possibility of free will. Experiences are terrifying and overwhelm the self which, in order to survive, can only close itself, freeze, dissociating the experiences suffered and distributing them in different parts of the body. A functional break is created during violence between body and mind. Améry writes about torture

only in torture does the transformation of the person into flesh become complete (...) the tortured person is only body and nothing else (...) The pain is what it was, beyond that there is nothing to say (...) [it marks] the limit of language to communicate.

(1980, p. 33)

Massive trauma is characterized by the absence of mental experience because the mind is unable to process bodily, emotional and cognitive experience of the traumatic events in a coordinated way. Traumatic memories are indelible, sensory, affective, imprinted fragments that lack narrative cohesion and agency. These imprints of visual, auditory, olfactory, kinesthetic and physical sensations and strong affects remain outside a narrative structure, outside personal story, even outside experience as it is remembered, and for this reason, they can continue to exert an influence on unconscious cognitive and emotional processes many years after the original traumatic event. When the empathic other totally fails in the external world of torture, in Laub’s words (2017) “the internal empathic ‘Thou,’ the means for self-dialogue, ceases to exist. The ongoing internal dialogue, the internal ‘I’ speaking to the internal ‘Thou,’ which allows for historicity, narrative and meaning to unfold, falls silent” (p. 29). Laub describes this two-part sequence consisting firstly, of the destruction of the internal ‘other’ and secondly, of the failure of the process of symbolization through internal dialogue, which leads to the absence of conscious experience (it is the splintering of what I called the ‘reflective triangle’).

However, in psychotherapy, and especially in the unconscious transits within the therapeutic couple, the meaning of the senseless violent experience finds its chance to be traced. Torture survivors' somatic symptoms and with them sensations, physical postures and the entire vocabulary of movements of a person, mirroring and supporting various parts of themselves, are essential for the recognition, the formulation of descriptive hypotheses of the dissociative parts and their functioning. Thus, for example, the subsistence of a 'frightened' part (which functions to contain the need for reassurance and feeling safe) can be inferred from the recurrent wide-eyed presentation and a hypothetical and collapsed posture; or an angry part (which the patient still fails to be aware of) manifests itself in a repeated and stereotyped way with an extreme tension in the jaw and shoulders, typical of those who are always ready to fight to counter the threats. These can be considered dissociated mental and physical states, or autonomous complexes (although here with traumatic origin) according to the Jungian model (Jung, 1934). The physical sensations and the turbulence that accompany them are the tools that allow a first management of the emotion that is still indistinct and free in the field. They often represent something that has a double meaning; it is a voice for the individual, and a voice for their group (Luci, 2018, 2022).

Especially at an early stage of therapy, the possibility to tell the experience is extremely reduced or even impossible, but the meeting is at the same time full of countertransference elements that can be felt by the therapist in their body (Luci, 2017b, 2022). For the therapist to experience in their body this "state of identity" (Jung, 1921) with the bodily states of the survivor is fundamental to record their somatic states that narrate in a basic form – a level that precedes the higher functions of symbolization – the experiences lived by the patient, which cannot be narrated through language. For this reason, bodily-based countertransference takes on a special meaning for interpersonal communication in therapy. These 'body to body' experiences that are generated in the therapeutic dyad occur within a relationship that might be called 'adhesive,' borrowing an expression from Meltzer (1975). I mean by this term a relational style characterized by the lack of interpersonal space and a quality of excessive closeness or stickiness supported by an unconscious or implicit phantasy of sharing partially or totally the surface of the container of self, i.e. the skin (Luci, 2017b, 2021). Although this type of relationship can be unpleasant or annoying for one or both members of the therapeutic couple, nonetheless, this quality of relationship allows the patient to feel supported and to re-establish a sense of self-containment, an epidermal extension, a way of producing a self-generated sense of protection and security, through continuity with the therapist's 'psychic skin.' It is precisely through these body-to-body communications and the conscious and affectively regulated containment of the patient's dissociated parts, and his/her ability to "make them speak" through the therapist's reveries, that the connections necessary for the emergence of meaningful psychic images are restored within the therapeutic relationship (Luci, 2017b, 2021).

So far I have been referring to torture survivors, but what about the bodies of those who were disappeared (often after having been tortured) and killed and whose remains cannot be found?

To disappear a person is not to kill them, but a way to torture and control not only the victim but their group (family or other enlarged group) and even an entire society. It is the application of a perverse logic to a group scale. It is something intentionally made to entrap them in a schizo-paranoid world where ‘knowing’ is not possible because everything can be made and unmade, as it is typical of *states of twoness* (Luci, 2017a, pp. 100–121). The normal dynamics between opposites cannot occur in the psyche, because opposites become equivalent: life and death, past and present, innocent and guilty. History has no space in this mental state, normal logical thinking cannot happen since cause and effect can be reversed. In this world, subjectivity and responsibility are not viable (Luci, 2017a, pp. 106–108).

The only possible therapeutic journey in this case is made of the social and political efforts to restore a universal law, unearthing the truth. This does not mean that the process in itself will automatically lead to the healing (Sønneland, 2021, pp. 34–36) of individuals, but individual therapies have limited power to reach a good enough result if they are not accompanied at the same time by a process of advancing the awareness about the truth of the small (the family, for example) and large group.

Sometimes this process is accompanied and facilitated by the discovery of the remains of the disappeared person. Regarding the subject of the ‘location of knowing,’ Morales-Sáez and Espina’s study (2021) seems to confirm the hypothesis of this chapter, that it is located in the disappeared’s body. Their investigation seeks to understand the experience of family members during the process of bone-remains identification, carried out following the discovery of a mass grave in the commune of Paine (Chile), in which 11 people were identified. The remains belong to a population of 70 men arrested, executed and disappeared between September and November 1973. Researchers focus on the intergenerational effects. In their interviews, the central theme is the identification of bone remains as part of a family process of searching the truth. The analysis of information is carried out through a codification of the data from main thematic categories according to research objectives. Three research questions are particularly relevant for the argument of this chapter: “where are they?”, “the meanings of the bone remains” and “the duty to recognize”: the three generations of relatives of the disappeared persons give differentiated answers clearly detectable.

About the first question (*where are they?*) the first generation faces a dilemma of a death without a body, without the possibility of performing the funeral rites. This generation has lived constrained by the dispossession of collective networks of protection and sustenance, as well as the social practices of stigmatization and discrimination. The second generation grew up under the silence and stigma of being the *hijo de* (child of). Most were either very young or had not been born at the time of arrest. This generation perceives itself as ‘neglected,’ since it does not have the testimonial and/or political protagonism of the first generation. This generation has

also had to 'support' and 'accompany' their mothers, but at the same time has not been able to reflect on their own bereavements and has received scarce attention from health teams. In the third generation, the family silence is challenged by some grandchildren, either in the form of dreams that reveal the truth about the absent grandfather or in the direct questioning of the story behind the photograph that is treasured in everyday space. Often they find the information outside the domestic space, in the same testimonies that their grandmothers have given in interviews with journalists and researchers. We might summarize the three answers of the three generations as: *disappearance*, *void* and *claim* of the disappeared person.

About the second question (*meanings of the bone remains*), for the first generation, the bone remains bear the historical burden of the repression experienced by them and by the missing relative. This burden is expressed in the individual imperative of closing a process of suffering. The bone remains are *limited and fragile representation of the body and the person of the disappeared*. Their recovery helps to generate in relatives the feeling of the end of the search and waiting stage, and allows the elaboration of a place for death, "a place to put flowers." For the second generation, the bone remains represent *the materiality of death*. This generation grew up surrounded by stories of detention in which the figure of the father is blurred. This absence can be described more as a *void* than a loss. For this generation, the bone remains are the proof of death as a logical end to the story of detention and repression. This evidence not only brings back the disappeared but also the woman (mother/grandmother) who was absent for many years. The story of the second generation has been built on the self-sufficiency (self-reliance) and accompaniment role of the first generation, usually without taking over their pending grieving process. In the case of the third generation, the bone remains are an *imprint of the raw, unrelenting violence exerted on the missing person*. This generation has built itself between the distance of the facts of suffering (detention and repression) and the account of the demand for truth and justice of its predecessors. Recapitulating, the first generation deals with the *re-appearance* of the remains of the person and with the *completion of the grief*, the second generation deals with the *void filled with the certainty of death*, and the third one with the *claim* for the disappeared person of a *political truth as collective healing*.

It is particularly interesting to observe how these different meanings related to different generations are in relation to the third question, the *duty to recognize*. For the first generation, the 'duty to recognize' is an imperative that has been expressed in the recognition of the skeletons, in the recognition of the bone remains and cultural vestiges, and in the acceptance (with possible objections) of the genetic analysis reports. The second generation silently contemplates how this duty to recognize was instilled in the family. The third generation questions the positions regarding the duty to recognize of previous generations who have sought to give course to the need to continue life, resolve pain, and process grief. This need for recognition is embedded in the working through of collective grief marked by public funeral rituals and tribute ceremonies with the participation of public officials and political leaders.

Looking at the overall results of this research, it becomes apparent how in the passage from one generation to the other in three generations, the discovery and identification of the body of the disappeared assumes different meanings from *disappearance to void to claim*; from *re-appearance and completion of grief*, to the *void filled with the certainty of death*, to a *restoring of political truth as collective healing*; and about the duty to recognize from a *personal imperative* in the first generation, to a *family imperative* in the second generation, to a *social imperative* in the third generation. We can observe that in the passage from the first to the third generation, the discovery and recognition of the remains means not only the possibility of mourning but also a return of the *presence* of the relative in the family, and the possibility of repairing social ties.

The remains return not only the bones to the family but the possibility for individuals, the family and society to reach a mental state in which ‘knowing’ is possible and permitted within society. The materiality of whereabouts and remains gives back the possibility of mourning the loss, ‘knowing’ the truth, repairing the capability of perceiving reality, restoring social meaning and subjectivity for individuals, family and society.

### **The problem of restoring ‘knowing,’ subjectivity and a universal law**

The issue of ‘knowing’ and its ‘location’ within institutions, groups and particular individuals is crucial to process the traumatic experience both at individual and collective levels. The search for truth is a key factor in all those restorative circumstances following torture, i.e. in the trials of perpetrators (when they are held) in truth and reconciliation commissions (when they are set up) and in the rehabilitation of victims (when they are lucky enough to access to medical and psychological care). In all these cases what is constantly pursued is the possibility of ‘knowing.’

At collective level, in terms of law and human rights in the post-torture and enforced disappearance period, it poses the delicate questions regarding the allocation of criminal liability, the issue of the reparation for victims, and the problem of how establishing a collective ‘truth’ about torture and enforced disappearance in society as a whole.

As far as perpetrators are concerned, the problem in the legal field is often posed as whether the abuse perpetrated by ordinary soldiers can be imputed, and to what extent, to the higher military echelon, to the top-level policy makers and legal officers, or even to the political leaders. Pursuant to general principles of criminal law, not only the direct perpetration of acts of torture but also any form of participation or complicity thereto, is criminally relevant, but in practice the prosecution of higher-rank officers and above all political leaders always proves complex and contentious (Crenzel, 2011).

The problem of reparation of victims of torture deals essentially with the dilemma of ‘how to redress?’ The point about redressing victims seems to concern

which is the most effective form of ‘recognition’ of the damage produced by torture and the disappearance of a relative. This implies that individual reparation goes hand in hand with social recognition, emphasizing the importance of witnessing the ‘truth’ of what happened and that ‘it did happen’: in ultimate analysis, a question of restoring ‘knowing’ and mutuality in society.

Surely truth commissions and tribunals break the silence for society as a whole about the crimes that have occurred and begin, albeit some glaring missteps and failure, to make them thinkable. They constitute a space where, though contested and problematic, survivors can begin to reclaim their history, an essential dimension of the restoration of subjectivity (Hamber, 2009). However, the issue of truth is complex, multifaceted and crucial to link problematic demands of justice and hopes for reconciliation (Knoops, 2006). It is also the arena in which the parties’ competing versions of history and politics of memory play themselves out (Thomas, 2010, p. 45). The victims’ truth is certainly spoken by their bodies, tortured, disappeared, sometimes their remains found and memorialized or kept as a fantom presence forever.

I like to think of the psychotherapy of victims of torture and enforced disappearance and the collective process of reconciliation as a ‘testimony’ – the eyes of a witness having the courage to look at traumatic overwhelming events, through what Dori Laub calls a “re-libidination of fragments.” This is a process that at the same time tends to restore an ‘I-You’ dialogue. Testimony is a process of symbolizing the concrete so that the traumatic experience can become communicable to oneself and known and transmittable to an ‘other,’ thus producing an experience that can be known, remembered, transmitted and forgotten (Laub, 2017, p. 30), reinstating it in the flowing of history and memory.

The role of the therapist as a witness also serves to guard the epistemic and moral truth about the trauma, about what happened and who is the perpetrator and who is the victim, who is to be protected and who prosecuted, keeping themselves as ethical compass. This function, which must be carried out for some time in a vicarious manner for the patient, must gradually nourish the patient’s sense of autonomy and integration so that it can take the place of the survivor’s sense of guilt in their response to their trauma (Luci, 2022).

Similarly, but in a reverse logic, testimony in a social process of revealing or discovering the truth may have a therapeutic function for society. Thus, I wonder who is up to this function in a collective process of reparation: prosecutors, the disappeared’s relatives, therapists, political activists, citizens in general, the Truth Commissions, who else? Each of them contributes to such a collective work of re-libidination of fragments in society, ‘soul making’ in Jungian terms, which, in secular sense, can be seen as a natural consequence of differentiating and assimilating previously unconscious contents, particularly shadow contents (Jung, 1921, par. 781). In this sense, the aim is a moral reparation of a wound to shared humanity inflicted by the torture and enforced disappearances. All the parties need some kind reparation to their trust on humanity and the possibility of a ‘just world,’ although this does not mean that perpetrators, bystanders and victims have the same responsibilities, nor that the path to reparation is the same.

The only possible reparation for those who have disappeared is to honor their memory with the daily practice of keeping alive our and their individual and collective subjectivity, restoring the truth and respecting a universal law of justice, at the same time taking care that our lives be worthy of their total sacrifice, so that there will be no longer a need for further sacrifice. *Nunca más* is a promise to keep oneself always alive and present to oneself and others, under certain circumstances an *opus contra naturam*, but certainly worth pursuing.

## Note

- 1 Human Rights Council 16th session Agenda, item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Working Group on Enforced or Involuntary Disappearances. Retrieved at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/179/54/PDF/G1017954.pdf>.

## References

- Améry, J. (1980). *At the Mind's Limits*. Bloomington: Indiana University Press.
- Bantekas, I. (1999). "The Contemporary Law of Superior Responsibility." *American Journal of International Law*, 93, p. 573.
- Bantekas, I. (2000) "The Interests of States versus the Doctrine of Superior Responsibility." *International Review of the Red Cross*, 838, pp. 391–402.
- Benjamin, J. (2017). *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third*. Abingdon, Oxon; New York: Routledge.
- Bonafé, B. (2007). "Command Responsibility between Personal Culpability and Objective Liability: Finding a Proper Role for Command Responsibility." *International Journal of Criminal Justice*, 5(3), pp. 599–618.
- Bromberg, P.M. (1993). "Shadow and Substance: A Relational Perspective on Clinical Process." *Psychoanalytic Psychology*, 10, pp. 147–168.
- Bromberg, P.M. (1998). *Standing in the Spaces: Essays on Clinical Process, Trauma, and Dissociation*. Hillsdale, NJ: Analytic Press.
- Cohen, S. (2001) *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity Press.
- Conroy, J. (2000). *Unspeakable Acts, Ordinary People: The Dynamics of Torture: An Examination of the Practice of Torture in Three Democracies*. New York: Knopf.
- Crelinsten, D. (2003). "The World of Torture: A Constructed Reality." *Theoretical Criminology*, 7, pp. 293–318.
- Crenzel, E. (2011). *Memory of the Argentina Disappearances. The Political History of Nunca Más*. Abingdon and New York: Routledge.
- Feitlowitz, M. (1998). *A Lexicon of Terror: Argentina and the Legacies of Torture*. New York: Oxford University Press.
- Freud, S. (1921). "Group Psychology and the Analysis of the Ego." In *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, trans. and ed. J. Strachey, vol. 18, London: The Hogarth Press. (hereafter, *SE*).
- Graziano, F. (1992). *Divine Violence. Spectacle, Psychosexuality, and Radical Christianity in the Argentine "Dirty War."* Boulder, San Francisco, and Oxford: Westview Press.



- Hamber, B. (2009). *Transforming Societies After Political Violence: Truth, Reconciliation and Mental Health*. New York: Springer.
- Herman, J. L. (1992) *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror*. New York: Basic Books.
- Hollander, N.C. (2008). “Living Danger: On Not Knowing What We Know.” *Psychoanalytic Dialogues*, 18, pp. 690–709.
- Huerta Perez, N., & Esgareño, E. (2021). “Enforced Disappearance as a Form of Psychological Torture: Evidence from the Ayotzinapa Case (México).” *Torture Journal*, 31(3), pp. 19–31. <https://doi.org/10.7146/torture.v32i3.125248>
- Jung, C.G. (1920). “The Psychological Foundations of Belief in Spirits.” In H. Read, M. Fordham, & G. Adler (eds.), *Collected Works of C. G. Jung*, vol. 8 (trans. R. Hull). Princeton: Princeton University Press/Bollingen Series XX.
- Jung, C.G. (1921). “Psychological Types: Definitions.” In H. Read, M. Fordham, & G. Adler (eds.), *Collected Works of C. G. Jung*, vol. 6 (trans. R. Hull). Princeton: Princeton University Press/Bollingen Series XX.
- Jung, C.G. (1928). “The Relations between the Ego and the Unconscious.” In H. Read, M. Fordham, & G. Adler (eds.), *Collected Works of C. G. Jung*, vol. 7 (trans. R. Hull). Princeton: Princeton University Press/Bollingen Series XX.
- Jung, C.G. (1934). “A Review of the Complex Theory.” In H. Read, M. Fordham, & G. Adler (eds.), *Collected Works of C. G. Jung*, vol. 8 (trans. R. Hull). Princeton: Princeton University Press/Bollingen Series XX.
- Kelman, H.C. (1993). “The Social Context of Torture: Policy Process and Authority Structure.” In R.D. Crelinsten & A.P. Schmid (eds.), *The Politics of Pain: Torturers and their Masters*, Centrum voor Onderzoek van Maatschappelijke Tegenstellingen/Center for the Study of Social Conflicts. AK Leiden, The Netherlands: Leiden University, pp. 21–38.
- Kelman, H.C., & Hamilton, V.L. (1989). *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility*. New Haven and London: Yale University Press.
- Knoops, G.G.J., “Truth and reconciliation commission models and international tribunals: A comparison”. Paper presented at the Symposium on ‘The Right to Self-Determination in International Law’, organized by Unrepresented Nations and Peoples Organization (UNPO), Khmers Kampuchea-Krom Federation (KKF), Hawai’i Instituted for Human Rights (IHR) (29 September–1 October 2006, The Hague, Netherland). Available at: <http://www.unpo.org/downloads/ProfKnoops.pdf>.
- Laub, D. (2017). “Reestablishing the Internal ‘Thou’ in Testimony of Trauma.” In J.L. Alpert & E.R. Goren (eds.), *Psychoanalysis, Trauma and Community. History and Contemporary Reappraisals*. London and New York: Routledge, pp. 27–42.
- Luci, M. (2017a). *Torture, Psychoanalysis & Human Rights*. Abington and New York: Routledge.
- Luci, M. (2017b). “Disintegration of the Self and the Regeneration of ‘Psychic Skin’ in the Treatment of Traumatized Refugees.” *Journal of Analytical Psychology*, 62(2), pp. 227–246. <https://doi.org/10.1111/1468-5922.12304>
- Luci, M. (2018). “The Mark of Torture and the Therapeutic Relationship.” *International Journal of Psychoanalysis and Education*, X(n1), pp. 47–60.
- Luci, M. (2021). “The Psychic Skin between Individual and Collective States of Mind in Trauma.” *Journal of Psychosocial Studies*, 14(1), pp. 33–45.
- Luci, M. (2022). *Torture Survivors in Analytic Therapy: Jung, Politics and Culture*. Abingdon and New York: Routledge.

- Luci, M. (2023). "In Search for Soul: The Contribution of Analytical Psychology to Heal Human Rights Violations." *British Journal of Psychotherapy*. Open Access at: <https://doi.org/10.1111/bjp.12855> (accessed 6 July 2023).
- Luci, M., & Kahn, M. (2021). "Analytic Therapy with Refugees: Between Silence and Embodied Narratives." *Psychoanalytic Inquiry*, 41(2), pp. 103–114. <https://doi.org/10.1080/07351690.2021.1865766>
- Martinez, J. (2007). "Understanding Mens Rea in Command Responsibility: From Yamashita to Blaskic and Beyond." *Journal International Criminal Justice*, 5(3), pp. 638–664.
- Meloni, C. (2010). *Command Responsibility in International Criminal Law*. The Hague: Asser Press.
- Meltzer, D. (1975). "Adhesive Identification." *Contemporary Psychoanalysis*, 2, pp. 289–310.
- Mettraux, G. (2009). *The Law of Command Responsibility*. Oxford: Oxford University Press.
- Mitchell, S.A. (1993). *Hope and Dread in Psychoanalysis*. New York: Basic Books.
- Morales-Sáez, N., & Espina, J. (2021). "The Aftermath of Forced Disappearance and Concealment: A Qualitative Study with Families in Paine, Chile." *Torture Journal*, 31(2), pp. 34–49.
- Ortiz, S.D. (2001). "The Survivors' Perspective: Voices from the Centre." In E. Gerrity, T.M. Keane, & F. Tuma (eds.), *The Mental Health Consequences of Trauma*. New York: Plenum Publishers, pp. 13–34.
- Perez-Sales, P., Duhaime, B., & Méndez, J. (2021). "Current Debates, Developments and Challenges Regarding Torture, Enforced Disappearances and Human Rights." *Torture Journal*, 31(2), pp. 3–13. <https://doi.org/10.7146/torture.v31i2.128890>
- Sønneland, A.M. (2021). "Survivors' Experiences with Testifying in Trials after Gross Human Rights Violations in Argentina." *Torture Journal*, 31(3), pp. 32–44. <https://doi.org/10.7146/torture.v32i3.125118>
- Staub, E. (1989). *The Roots of Evil: The Origins of Genocide and Other Group Violence*. Cambridge: Cambridge University Press.
- Staub, E. (1993). "Torture: Psychological and Cultural Origins." In R.D. Crelinsten & A.P. Schmid (eds.), *The Politics of Pain: Torturers and Their Masters*. Leiden, The Netherlands: COMT, pp. 109–123.
- Staub, E. (2003). *The Psychology of Good and Evil: Why Children, Adults, Groups Help and Harm Others*. New York: Cambridge.
- Staub, E. (2012). "The Roots and Prevention of Genocide and Related Mass Violence." In M. Anstey, P. Meerts, & I.W. Zartman (eds.), *The Slippery Slope to Genocide: Reducing Identity Conflicts and Preventing Mass Murder*. New York: Oxford University Press, pp. 35–52
- Thomas, N.K. (2010). "Whose Truth? Inevitable Tensions in Testimonies and the Search for Repair." In A. Harris & S. Botticelli (eds.), *First Do Not Harm: The Paradoxical Encounters of Psychoanalysis, Warmaking, and Resistance*. New York: Routledge, pp 45–63.
- United Nations, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly of United Nations resolution 39/46 10th December 1984 (entered into force 26 June 1987). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> (accessed 19 March 2022).
- United Nations, International Convention for the Protection of All Persons from Enforced Disappearance. Adopted on 18th December 1922 by General Assembly in its resolution

- 47/133. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced> (accessed 29th April 2022).
- Winnicott, D. W. (1958). "The Capacity to Be Alone." In D.W. Winnicott (ed.), *The Maturational Process and the Facilitating Environment*. London: Hogarth Press, 1965, pp. 29–36.
- World Health Organization. International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Fifth edition, 2016. World Health Organization. Available at: <https://apps.who.int/iris/handle/10665/246208> (accessed 6 July 2023)
- World Medical Association, Declaration of Tokyo – Guidelines for Physicians concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment – Adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975 and editorially revised by the 170th WMA Council Session, Divonne-les-Bains, France, May 2005 and the 173rd WMA Council Session, Divonne-les-Bains, France, May 2006. Available at: <https://www.wma.net/policies-post/wma-declaration-of-tokyo-guidelines-for-physicians-concerning-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-in-relation-to-detention-and-imprisonment/> (accessed 6 July 2023)