



Teresa Jiménez\*

# In the Face of War, Transitional Justice Interview with Jacobo Dayán\*\*

**Teresa Jiménez:** Why do we humans fight?

**Jacobo Dayán:** I think that it's part of human nature. That is, it's not a product of culture, or progress, or evolution. You have to remember that famous scene in Stanley Kubrick's *2001: A Space Odyssey*, in which the ape picks up a bone and begins madly hitting and hitting and realizes his capacity for violence, and with that first tool, a bone, he begins to commit violence. Our nature is violent. By that, I don't mean that we're only violence; human beings also have compassion and empathy. What the thousands-year-old civilizing process has attempted to do is to tame that human violence.

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**TJ:** Have the civilizing processes failed?

**JD:** I think each of them has made contributions. To not go too far back, for example, the civilizing process we're still in is the one born of the Gospels. All religions or philosophical currents make a theoretical proposal, and when it's institutionalized, it becomes the normative project of a large part of society—we have to understand this from our Western point of view. Then, that same project morphed and the ones who took on the role—or at least shared it for several centuries—were the great empires, together with the [Catholic] Church, also as part of a civilizing process, bringing order, social control, with all the excesses and problems that the Church and the empires have. Later came an update of that same project, but with the same logic, with the creation of the Republic born of the French Revolution. At the end of the day, the principles of “Liberty, Equality, and Fraternity” and the Declaration of the Rights of Man and the Citizen are a secular version of the Gospels; the recognition of human dignity, freedom, law; and the one who takes on the obligation of guaranteeing the project is the Republic; from there, the idea is to establish, in a normative framework of equality, liberty, and fraternity, a rule of law, free elections, democracy. These are civilizing projects that broadly speaking try to rule our community lives, trying to contain evil and barbarism and help those who are not favored by the model.

**TJ:** And later, in the twentieth century?

**JD:** We think that the state, the Republic, would be the guarantor, but that idea is blown apart by World War II, when we realize that states are capable of committing the cruelties that they did. Then the civilizing process was brought up to date, with the idea that now what we need are supranational institutions that can be the guarantors of that project, with the creation of the United Nations. But in the framework of what we are experiencing today, I'm sure all of us feel that something is broken in our societies. What is breaking is that last pact, the supranational pact born out of World War II, where in theory the United Nations was established to preserve what the states could not guarantee: international peace and security. However, that supranational supervision today is in a brutal crisis. All you have to do is open a newspaper to see that the United Nations is no longer capable of solving anything. What is broken is that lies, limitations on impunity, on violence, seem to have no limits anymore be-

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cause there's no longer a solid project, and these times are often convulsive, times of a changing paradigm.

**TJ:** Any indication of where we're headed?

**JD:** Glimpses of some proposals of returning to the communal are coming into view. The urgency of the climate, the grave migration crises, inequality, violence all force us to look at the local, and I would say that for several decades now. For example, the Mexican Zapatista indigenous proposal is to change the civilizing model to a return to the communal. The problem is that today, most of us human beings live in great metropolises, where the community doesn't exist. In the world, the regional begins to be more and more relevant, but it doesn't look like something that can change. I don't even know if we can go back, since nationalisms and religions are becoming increasingly strong. We see this the world over: nationalism as a response, as is religious fundamentalism. The truth is that I don't know where we're headed, but it doesn't look at all good.

**TJ:** Does war in abstract exist, or do we have to talk about specific wars, for example, against migrants, against the poor, against women?

**JD:** Clearly there are *de facto* wars, like Russia's aggression against the Ukraine or what was experienced inside Syria, a brutal civil war. Armed clashes do exist. Human beings have very perversely generated abstract wars: the war against drugs or against terrorism. And those aren't the clash of A against B, but conceptual wars, which are necessarily perverse. The war against drug trafficking is a war against what or whom, or the war against heresy or when the United States launched the war against terrorism; those abstract wars end up being terribly violent and they never achieve their ends. We have been at war against drugs for fifty-some-odd years now and look where we are: worse than at the beginning. The war against terrorism justified the invasion of Iraq. The wars against the abstract are horribly perverse, and they do exist, above

all to justify others. And in Mexico, in my opinion, we're immersed in an internal armed conflict, the product of the war against drug trafficking. It's absurd because, who is the enemy? The consumer? The street peddler? The distributor? The delivery guy?

**TJ:** Do these forms of violence end up turning into wars?

**JD:** They're not wars. In Mexico we can talk about a multiplicity of forms of violence; that is, an armed clash between a large criminal group and government forces or between criminal groups isn't the same as the mass gender violence we have in the country. That is, the motivations are different. I would even say, in the case of gender violence, there are many more perpetrators: gender violence reaches into homes, workplaces, public transport. We're not talking here necessarily about organized groups. Violence against migrants is related to government policy; violence against indigenous communities involves land-grabbing, extractivist megaprojects, where big corporations and government interests play a part. In Mexico, we have a multiplicity of very complex forms of violence that people try to reduce to the absurd using the logic of "they're killing each other; it's drug dealers killing each other." We have very diverse kinds of violence, some resulting from drug trafficking, but not all. Today we're very concerned about the murders stemming from extortion—what we call here "the right to occupy space," or protection extortion— or kidnapping, which have different dynamics. I should underline that not all forms of violence turn into wars, and it's important to differentiate excessive violence, atrocious crimes, from an armed conflict.

**TJ:** Does anyone legitimize this violence? The state, for example?

**JD:** Clearly, the state, when it reduces this to "they're killing each other" or when local prosecutors respond to a woman who comes in to denounce a rape and they say, "Well, she was wearing a miniskirt." There are instances of structural violence in the state, in which the victim is blamed, but they also exist in society. In Rossana Reguillo's words, these are instances of "disciplinary" violence":<sup>1</sup> "Don't go out at night, don't drive down a highway at night." That is, violence also changes and limits our behavior. We also have the case of the Mayan Train or mining projects or logging where indigenous communities have had their land and territory grabbed, where

there's violence against indigenous communities and the justification is progress. It would seem that in today's world, we understand progress as mortgaging the future: we're going to create jobs at the cost of the future and at the cost of indigenous communities' rights. And in the discussions about the Mayan Train, people obviously talk about the ecological problems it involves, about economic viability, about whether there's corruption or not, but they never talk about the violence committed against the indigenous communities because we've normalized that. We're militarizing the country, and the political class says there's no alternative and that people have a good opinion of the Armed Forces, when in over fifteen years, the violence has not lessened with the soldiers in the streets. We think that to end the war what's needed is more violence. It's crazy!

**TJ:** We seem not to have learned anything from our prior experiences. What do you think about that?

**JD:** I think we've learned very little. There's that famous phrase, "Never again," coined after World War II, and I could say that at no time from 1945 until now have there been as many genocides at the same time as now. Only recently, the genocide against the Darfuri people apparently just ended, but other genocides are happening: against the Rohingyas in Myanmar, against the Uyghurs in China, and during the war in Syria, against the Yazidi population. We have learned little, and above all because we haven't managed to contain the barbarism and generate enough social DNA to say, "This is intolerable." For example, sure, we Mexicans have gotten used to horror. We have to remember what it was like when the violence irrupted in 2006 and 2007. A person hanging from a bridge was a scandal; a shoot-out was a scandal; a clandestine burial ground was a scandal. And if we look at the figures today, we see more than 4,000 clandestine burial grounds, the biggest in Veracruz with 297 bodies. It's become normalized. We've learned very little socially or institutionally.

**TJ:** What do you mean when you say, "Transitional justice implies a proposal to search for social reconstruction and conflict resolution in every country and includes how the state deals with phenomena where violence is overflowing"?

**JD:** Countries crisscrossed by enormous violence and evidently the enormous impunity that accompanies it have few ways out. That is, the state—or, if that fails, the

international community, because since World War II, the international community is part of the framework for preventing barbarism—has to guarantee truth and justice as the basis, the minimum foundation, for building the future.

Clearly, victims must receive reparations; the necessary institutional reforms must be made so this does not happen again; legal changes; educational changes; cleaning out the ranks of police, the army, and the justice system. These processes are known as transitional justice processes. They're a tool. There are no magical formulas for doing this; they're often done with extraordinary justice measures, with truth commissions.

There are good and bad experiences. For example, the Argentinean case is very emblematic, but there are also the cases of Chile, Peru, Guatemala, El Salvador, and South Africa. One of the proposals made in Mexico repeatedly for two six-year presidential terms now—the extreme violence erupted under President Calderón and there was no way it could be discussed—is to start a serious process of transitional justice, like they're carrying out in Colombia now. In Colombia, the Truth Commission just turned in a report after the peace agreement with the Revolutionary Armed Forces of Colombia (FARC). They created special tribunals to judge state violence and that of the criminal groups and a special jurisdiction for peace.

**TJ:** Any proposals?

**JD:** One of the proposals is that something like the Colombian experience be done in Mexico. It has been discussed a lot, even here at the Tlatelolco University Cultural Center: when he was president-elect, Andrés Manuel López Obrador committed himself at a meeting of more than 1,000 victims to implement an agenda for transitional justice. Starting with that commitment, working groups for dialogue were set up with members from the incoming administration (Olga Sánchez Cordero, Alejandro Encinas, and even Alfonso Durazo); academic institutions

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like the UNAM and the Ibero-American University; many civil society and human rights organizations; victims collectives; and experts from Mexico and abroad. These working groups met for months to create an agenda. I participated and coordinated part of that process, which finalized with concrete proposals that the López Obrador administration committed to implement. But once he took office, the decision was to sweep it under the rug. And the only thing we have as extraordinary mechanisms are a bad commission for the case of Ayotzinapa<sup>2</sup> —because those commissions have to be independent of the government—and an also very bad commission about the truth of the Dirty War, starting with the 1968 student movement and the 1970s. Here also, the majority of votes are cast by government officials and apparently the army doesn't want to go through with it. So, it has to be said, the state did not have the political will to initiate serious processes of transitional justice. They don't guarantee anything either, anyway: there's the Chilean case, where they had more or less successful processes and today the country continues to be divided. But at least they were steps in the right direction.

Today, what we have is refusal: we're told that there's complete confidence in the federal Attorney General's Office . . . with ninety-nine percent impunity. And we're not on our way to a process of transitional justice that would aim to rebuild the trust between the state and the citizenry —today broken in Mexico— and to clean out the state to guarantee that this doesn't happen again. That is, we'd have to clean out the army; we didn't do it and look where we are. After the Dirty War, during the Fox administration,<sup>3</sup> we should have looked for the victims, because the PRI wasn't going to do it. But we decided not to, and today we have more than 100,000 disappeared and a justice system completely coopted by political, economic, and criminal interests. A process of transition justice would take care of all of that.

**TJ:** What are some day-to-day things people can do to create spaces for peace?

**JD:** There's double work to be done: one overarching and another on the street that has to be done in communities, on a local level. And there, art and culture are fundamental, without getting all corny and thinking like every minister of culture this country has ever had: give a kid a guitar, or, like the president's wife said, "Giving a book to a teen is taking away a gun." It's not that simple; I wish it were.

We need to generate a culture of peace, and that involves public policy. It involves crime prevention. And what we have to do as citizens is to be a society that's informed, responsible, participatory, and linked up on a local level.

Day-to-day actions have to do with social organization; what we don't have is social organization, like we see in some sectors. That is, the indigenous movement and the Zapatista communities maintain those kinds of links on a local level and try to generate spaces of peace. The feminist movement is doing it; the searcher collectives, too, especially those searching for the disappeared.

But what we need is to generate a culture of peace, and that involves public policy. It involves crime prevention. And what we have to do as citizens is to be a society that's informed, responsible, participatory, and linked up on a local level. I like using a phrase that in moments like the one we're living through, of grave crisis: "If we all did what we should, that's not enough." We have to do what we should and a little more. And today, we're not even all doing what we should, starting with keeping the home, workplaces, and schools as free from violence as possible. And we have to pressure the governing class because it's not going to make another decision; it's not going to lose political control over justice, and Andrés Manuel [López Obrador] has expressed it correctly: "Peace is the child of justice." The only thing is that here we have 99 percent impunity. So, I don't know what he's proud of: we can't build a society in peace without the rule of law. Given the violence we are experiencing in Mexico, what's needed is more state and more rule of law, not more soldiers. ■■■

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**1** Reguillo is a researcher in the social sciences and an activist. [Editor's Note.]

**2** This refers to the disappearance of forty-three normal school students in September 2014. [Editor's Note.]

**3** Fox was the first president from an opposition party after seventy years of PRI administrations. During his term (2000-2006), the Special Prosecutor's Office for Social and Political Movements was set up, but with no results in terms of establishing legal responsibilities for the Dirty War. [Editor's Note.]