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73. There is evidence suggesting that the minister of defense and some military members of his security group in the Ministry of National Defense had planned a coup against Marcos. Its discovery by Marcos' intelligence people and their impending arrest forced the minister and his band of conspirators to declare their breakaway from Marcos. General Fidel Ramos, who cast his lot with Minister Enrile, apparently had no hand in the preparation of the aborted coup.

74. See the National Citizens Movement for Free Elections, "The NAMFREL Report on the February 7, 1986 Philippine Presidential Elections" ([n.p.] NAMFREL [1986]), p. 1.

75. A nationwide survey last May 1986 identified "people power" as the popular explanation for legitimizing Aquino's government. The respondents identified "people power" (67%), the presidential elections of February, 1986 (14%), and support by the military (6%) as the factors legitimizing the present government. See Felipe B. Miranda , "The May 1986 Public Opinion Report: A Political Analysis," in Ateneo-Social Weather Stations, Public Opinion Report (Quezon City: Ateneo de Manila and Social Weather Stations, June 1986), pp. 30, 33.

76. *Ibid.*, pp. 24–25.

77. *Florian* Alburo, et al. "Economic Recovery and Long-Run Growth: Agenda for Reforms," Vol. 1 ([Quezon City: n.p.] 1986), pp. 106 – 124.

78. This view has been expressed by both President Aquino and some of her military advisers. There is recent evidence that the public endorses this position. See Felipe B. Miranda, "The Second Public Opinion Report: Metro Manila Findings" (Quezon City: Social Weather Stations, 1986), p. 4.

79. Miranda, "The May 1986 Public Opinion Report: A Political Analysis," in Ateneo-Social Weather Stations, Public Opinion Report (Quezon City: Ateneo de Manila and Social Weather Stations, June 1986).

DARK LEGACY: HUMAN RIGHTS UNDER THE MARCOS REGIME

Alfred W. McCoy

Introduction

More than any other nation emerging from authoritarian rule, the Philippines provides an example of extreme impunity. While other restored democracies have attempted an accounting for past crimes, the Philippines, by contrast, has done little to punish the perpetrators or purge their influence. Instead, through formal amnesty and informal inaction, the Philippine state has tried to forget its authoritarian past and move forward without formal inquiry.

But behind this facade of forgetting, society still struggles to cope with the mingled legacy of martial law. Indeed, through commemorations, monuments, demonstrations, and debate, there seems to be a struggle between the atavisms of the old order and their victims, to shape the collective memory of this traumatic past.

In its own way, forgetting is a form of memory. It is inaction sustained by concerted political action. It is a collective response to a traumatic past that carries costs just as high, if not higher, than the alternative approaches of investigation, prosecution, or reconciliation. Let us now explore how the Philippines came to this political state called "impunity," asking whether forgetting is an effective way of coping with the legacy of martial law.

Global Context

During the middle decades of the 20th century, authoritarian regimes ruled nations around the globe. By 1985, military juntas held power in over half of the hundred-plus countries that compose the Third World. These regimes often imposed a rigid order through coercion—both implicit threat and actual violence. At the broadest level, authoritarianism encourages a "culture of fear" that silences all dissent—fear of reprisal, fear of torture, and fear of endless incarceration.

As these regimes unravel around the globe, new democracies face a common problem of restoring civil society among a people that has been silenced. One of the most immediate questions facing post-authoritarian nations is how to deal with the legacy of violence and its trauma. Once the dictators are gone, their transgressions remain imbedded within society's collective memory and institutional fabric, constraining its capacities in unimagined ways.

From remembering to forgetting, from punishment to amnesty, different nations have tried different ways of coping with the collective burden of a traumatic past. South Africa confronted this past with a nonpunitive Truth Commission. South Korea imprisoned its former presidents. Argentina tried to silence its past until pro-democracy forces forced the formation of a truth commission that produced the famed report *Nunca Mas*, or "Never Again." Even today, Indonesia wavers, painfully, between exploring the excesses of the Suharto era and succumbing to pressures from the old order to forget. The Philippines has tried to forget. None of these alternatives comes without costs. All inflict further trauma upon the victims of authoritarianism and their society.

In these transitions, memory becomes an arena for political struggle. In this struggle, there is a debate over remembering and forgetting, with actors on both sides often driven by their respective positions under the old order. "The same powers that resorted to state terrorism are actively promoting collective oblivion," wrote two Argentinean psychiatrists in 1996, adding that this is "the usual way that the winners tell the story." At the most visible level, this debate is acted out in tribunals, local and global, that seek justice for the victims of authoritarian rule.

Rather than deal with the enormity of these issues on a global scale, where they threaten to overwhelm us, let us focus on a revealing case study—the post-Marcos Philippines. To focus further, let us probe the legacy of authoritarian terror by examining its impact on a group often overlooked—the actual perpetrators of authoritarian violence, the torturers, particularly those in the middle echelons of the police and military.

Marcos Regime

Looking back on the military dictatorships of the 1970s and 1980s, the Marcos government appears, by any standard, exceptional for both the quantity and quality of its violence. Films such as "Missing" and "Kiss of the Spider Woman" lend an aura of ruthlessness to Latin American dictatorships that seems to overshadow the Philippines.

But statistics tell another story. The Marcos regime's tally of 3,257 extra-judicial killings is far lower than Argentina's 8,000 missing. But it still exceeds the 2,115 extra-judicial deaths under General Pinochet in Chile and the 266 dead during the Brazilian junta.

Under Marcos, moreover, military murder was the apex of a pyramid of terror—3,257 killed, 35,000 tortured, and 70,000 incarcerated. In striking contrast to Argentina, only 737 Filipinos "disappeared" between 1975 and 1985. But nearly four times that number, some 2,520, or 77 percent of all victims, were "salvaged"—that is, tortured, mutilated, and dumped on a roadside for public display. Seeing these mutilated remains, passers-by could read at a glance a complete transcript of what had transpired in Marcos' safe houses, spreading a sense of fear. Instead of an invisible machine like the Argentine military that crushed all resistance, Marcos' regime intimidated by random displays of its torture victims—becoming thereby a theater state of terror. This terror had a profound impact upon the Philippine military and its wider society.

Under martial law, the Philippine military was the fist of Ferdinand Marcos' authoritarian rule. Its elite torture units became his instruments of terror. On September 22, 1972, President Marcos, weighing his words with a lawyer's care, issued Proclamation 1081 imposing a state of martial law that would last a decade. Let us mark his words, noting their nuance:

> "By virtue of the power vested upon me by...the Constitution I do hereby command the Armed Forces of the Philippines to maintain law and order...and to enforce obedience to all laws and decrees, orders and regulations promulgated by me personally."

The President, armed with these extraordinary powers, involved the military in every aspect of authoritarian rule—media censorship, corporate management, mass incarceration, and provincial administration. Backed by his generals, Marcos wiped out warlord armies, closed Congress, and confiscated the corporations of political enemies.

Even at its peak, however, the Marcos state, reflecting the underlying poverty of Philippine society, lacked the skilled manpower and information systems to effect a blanket repression. As a lawyer, moreover, Marcos at first maintained a facade of legality and spoke with pride of his "constitutional authoritarianism." But as the gap between legal fiction and coercive reality widened, the regime mediated this contradiction by releasing its political prisoners and shifting to extra-judicial execution or "salvaging."

During fourteen years of martial law, the military's elite anti-subversion units came to personify the regime's violent capacities. Under the command of Marcos' close cousin, General Fidel Ramos, the Philippine Constabulary housed the 5th Constabulary Security Unit (CSU) and the Metrocom Intelligence and Security Group (MISG). Officers in these elite units were the embodiment of an otherwise invisible terror.

The MISG's commander for twelve years, Colonel Rolando Abadilla, in the words of his obituary, "towered over other heavies in that closed, tight-knit, psychotic club of martial-law enforcers." Only his former understudy, then Lieutenant, now Congressman, Rodolfo Aguinaldo of the 5th CSU, could rival his psychopathic interrogations. Instead of a simple physical brutality, these units practiced a distinctive form of psychological torture with wider implications for the military and its society.

Theory of Torture

Let us think a bit about torture. Starting in 1950, the U.S. Central Intelligence Agency, or CIA, funded several decades of academic research into "the relative usefulness of drugs, electroshock, violence, and other coercive techniques" to discover a new method of psychological torture—perhaps the most significant revolution in this cruel

science during the past four or five centuries. Instead of the soldier's natural inclination to physical brutality, the CIA's thousand-page torture manual, distributed to military regimes in Latin America for over 20 years, teaches psychological tactics to break down what the agency called a victim's "capacity to resist." Through "persistent manipulation of time," the interrogator can break a victim's will, driving the victim, in the CIA's words, "deeper and deeper into himself, until he is no longer able to control his responses in an adult fashion." Significantly, the agency did warn that physical torture weakens the "moral caliber of the [security] organization and corrupts those that rely on it." But the CIA missed an important point that would emerge from the Philippine experience: psychological torture is far more corrupting than its physical variant.

These CIA techniques are so similar to Philippine practices that we must ask: did the CIA train these Filipino interrogators? In 1978, a human-rights newsletter reported that the Marcos regime's top torturer, Lieutenant Colonel Abadilla, was studying at Fort Leavenworth. A year later, his understudy, Lieutenant Aguinaldo, was reportedly going to the United States "for...training under the Central Intelligence Agency." Were these officers given CIA training in either tactical interrogation or torture?

Definitive answers must await further release of classified documents. At present, we will have to content ourselves with comparison. By the victims' recollections, the methods of Filipino interrogators, particularly the theatricality of the future RAM officers, seem strikingly similar to the counter-intuitive techniques of the CIA manual. Thus torture and its terror, designed to inculcate mass compliance through fear, left a lasting legacy for the post-Marcos Philippines—a politicized military and a traumatized polity.

The Marcos' regime's spectacle of terror opens us to a wider understanding of the political dimension of torture—one that is ignored in the literature on both the human rights and human psychology. Instead of studying how torture harms its victims, we must, if we are to understand the legacy of martial law, ask what impact torture has upon the torturers.

We are only now coming to an understanding of torture. In the past quarter century, psychologists have discovered that torture victims suffer lasting psychological damage out of any proportion to the actual physical harm. A study by Otto Doerr-Zegers of Chileans tortured by General Pinochet's regime found the victim "does not only react to torture with a tiredness of days, weeks, or months, but remains a tired human being."

These Chilean researchers tried to explain torture's devastating impact by probing the peculiar "phenomenology of the torture situation." They seem to be saying that torture, as done in Chile, was a kind of total theater, a constructed unreality of lies and pain. If torture somehow leaves the victim in a lasting state of weakness, might it not have the opposite impact upon the perpetrators?

In the Philippines, Marcos' elite interrogation units practiced a distinctive form of theatrical torture that I call "the drama of social inversion"—a variant that relies more on psychological humiliation than simple physical pain. Through psychological manipulation and sexual torture, these young Filipino officers broke their social superiors, priests and professors, gaining a superman sense that they could remake the social order at will. The Philippine experience thus teaches us that torture has a transactional dynamic—just as the torture victim is made powerless, so the torturer is empowered.

Torture and Class '71

We can best see the impact of torture on the Armed Forces of the Philippines (AFP) by examining the experience of the Philippine Military Academy's Class of 1971. Only 18 months after their graduation, Marcos declared martial law making these young lieutenants the fist of his repression. Whether war, peace, or martial rule, generals keep to their tents while lieutenants serve on the line and suffer its fate.

From the time of its founding in 1936, the Philippine state's primary defense against coups has been the socialization of its officers into subordination at the Philippine Military Academy (PMA). For Filipino officers, the first years of active duty were, moreover, a second, critical phase in this process of military socialization, affirming the abstractions learned in the classroom.

Whether they became Marcos loyalists or RAM rebels, officers assigned to these elite anti-subversive units that regularly tortured suspects seem transformed by the experience.

Many members of Class '71 served as officers fighting the dirty war against Muslim rebels in Mindanao before transfer to civil-control operations in Manila. Others were assigned directly to intelligence units that regularly tortured suspected subversives. Then Lieutenant, now General, Panfilo Lacson, for example, joined the MISG right after graduation and spent the next fifteen years in this elite torture unit, rising to deputy command under his mentor, Colonel Abadilla.

What was the impact of torture upon the young officers? When torture becomes duty and officers spend years in a daily routine of terror, the experience becomes central to their socialization. Such experiences broke down their socialization into subordination, transforming them from servants of the state into its would-be masters. Judging from RAM's later coups, these experiences also seemed to foster a theory of social action founded on an inflated belief in the efficacy of violence.

Group torture built lasting bonds that sustained these officers in their rise to power. At the 5th CSU, Lieutenant Aguinaldo (PMA '72) worked with his classmate, Billy Bibit and Victor Batac (PMA '71), beating victims together and forging bonds that later knitted into the RAM. Similarly, at the rival MISG, Colonel Abadilla (PMA '65) and two comrades, Robert Ortega and Panfilo Lacson (PMA '71), tortured together for over a decade, forming a tight faction that would rise together within the police after Marcos' downfall.

Emergence of RAM

In retrospect, the Reform the Armed Forces Movement, or RAM, seems the most visible manifestation of Marcos' impact upon the military. Led by middle-ranking regulars largely from PMA's Class of 1971, RAM plotted a coup d'état against the Marcos dictatorship in 1986 and then, failing to seize power, launched five more against his successor.

By 1985, many RAM leaders had spent a decade in extraordinary operations involving torture. The empowerment of torture emerges clearly from one instance involving Lieutenant Colonel Hernani Figueroa (PMA '66), RAM's original chairman. As a Constabulary commander on Samar Island, Colonel Figueroa led anti-subversive operations that included systematic torture. He directed the torture of Fr. Ruperto Kangleon, a night of terror that the priest described in a statement shortly before he died in January 1984. On his 51st night of detention, Father Kangleon was brought before Colonel Figueroa, who entered the room with the drama of an actor striding to center stage:

> "[Colonel Figueroa's] initial declaration, 'Father, the general has decided that we start interrogating you tonight' was enough to unleash that fear that was building up inside me for these past two months. I felt cold sweat, sweat broke all over my body and I thought I was going to faint.
>
> "For several hours, predator and prey fenced around verbally, one sizing up the other....[I]rritated with the futility of that encounter, Ltc. Figueroa finally said: 'Since you refused to cooperate, Father, we will be forced to use other means. We cannot allow ourselves to be taken for fools.'
>
> "With that finality in his words, my interrogator called in one of his agents. The latter started to blindfold me with a not-so-pleasant smelling red bandana. Blindfolded I was taken for a short but bumpy jeep ride."

In his description of what followed, Fr. Kangleon crafts a metaphor with profound implications for our understanding of torture and its impact upon the future RAM rebels:

> "Inside I was made to sit on a stool. I felt a small table being placed in front of me. Then, I heard voices—new voices! Three or four of these voices...took their places around me. *And with actors in their places*, the most crucial *stage* of my detention started to unfold.

> "'Now, Father, you are going to answer our questions!'
>
> "'What's the name of that sister you used to visit at the Sacred Heart College? She is your girlfriend, *ano*? You are fucking her? How does it feel?....'
>
> "'OK, take off his shirt. Oh, look at that body. You look sexy. Even the women here think you are macho. You are a homosexual, *ano*?'
>
> "'Let's see if you are that macho after one of my punches.' A short jab below my ribs.
>
> "'You better answer our questions or else you will get more of this.' With that, a short blow landed in my solar plexus.
>
> "I was already quaking with fear. The psychological and physical aspect...of my interrogation had finally taken its toll. I finally broke down. 'Yes. Go call Ltc. Figueroa. I am now willing to cooperate.'"

Within the confines of this chamber, he is no longer a protected priest. Naked and blind, he capitulates to the power of Colonel Figueroa and calls out the name of his tormentor as his savior.

After a decade in Marcos' safe houses, the RAM leaders translated their experience of torture into a theory of political violence. In reply to a question about RAM's coup planning during a July 1986 interview, Captain Rex Robles (PMA '65), RAM's psywar specialist, plunged into a reverie of blood and terror:

> "One time I remember was in November [1985], when our discussion ran until 2:00 in the morning about the crown of power....You have to kill a lot of people to do this. Are we prepared to shed a lot of blood? That's my belief.....You have to kill. You have to have the stomach to kill cold-bloodedly a lot of people. Because power does not stay on the head of people by itself. It has to be actively maintained—and by blood, especially blood—until people realize that you are serious about it. And they will

fall back and say, 'Hey, this guy means business. We have to follow him....'"

Torture and Coup Tactics

After a decade as understudies in Marcos' theater of terror, the RAM colonels emerged on the national stage in the mid-1980s emboldened by this sense of mastery to launch six coup attempts. Not only did torture inspire their many coups, it induced an illusory sense of personal power that made them inept tacticians and incompetent coup commanders. No other military in the world launched so many coups with so little success.

In February 1986, RAM launched its first coup attempt with an abortive attack on Marcos' Malacañang Palace. After months of planning, RAM's leader, Lieutenant Colonel Gregorio "Gringo" Honasan (PMA '71), crafted a strategy riven with a fatal contradiction. In the space of just ninety minutes after midnight, RAM planned to overwhelm General Fabian Ver's 7,000 Palace guards and capture the capital in a bold, two-stage coup. In the first phase, Colonel Honasan and twenty commandos would paddle across the Pasig River and capture the First Couple, asleep inside the Palace. In the second phase, several thousand rebel troops would rally to Honasan and secure Malacañang from loyalist counter-attack.

Although RAM's colonels were convinced of their plan's perfection, more experienced officers feel that it had the makings of disaster. Their strategy fused two irreconcilable military operations—a commando raid requiring perfect secrecy and mass military revolt needing widespread knowledge. Colonel Honasan's attack on the Palace could be compromised by even the smallest leak. Yet the second phase required the participation of over two thousand rebel troops—a number so large that secrecy was humanly impossible.

As it turned out, Honasan's plan would have led his commandos to certain death. Not only was their plan flawed, but its execution was less than perfect. Overestimating his own ability to inspire loyalty and underestimating his enemies, Honasan's core group suffered leaks almost from the start. In the week before RAM's coup, every detail was known to almost every covert agency in Manila—the CIA,

the DIA, Australia's ASIS, and, most importantly, General Ver's Presidential Security Command (PSC). Acting on this intelligence, Ver ordered a Navy demolition team to line the Palace river front with a cluster of 500-pound bombs. Instead of arresting the plotters, Ver decided to let Honasan's commandos launch their rubber rafts. If Honasan had actually put his paddle in the Pasig, the river would have risen from its banks in a thunderclap, vaporizing his commandos. Instead of a coup that placed RAM's patron, Defense Minister Juan Ponce Enrile, in the Palace, RAM's revolt collapsed into a mutiny that was saved from extinction by the people power revolution that made Corazon Aquino President.

In November 1986, with Enrile now defense minister in President Aquino's cabinet, RAM organized a "general's coup." In the weeks before the coup, RAM revealed its inflated sense of the efficacy of violence by creating a climate of terror. RAM operatives detonated a series of bombs about Manila, invoking the memory of the 1971 Plaza Miranda bombing and unleashing black propaganda, blaming the President's deceased husband, Senator Benigno "Ninoy" Aquino, Jr. On the eve of the coup, the top RAM leaders salvaged the leader of the nation's largest labor confederation, Rolando Olalia. On November 13, Olalia's bound body was dumped, head and torso bleeding from torture. Government investigators later concluded that RAM had salvaged Olalia to spark chaos and create unstable conditions for their coup.

On the night of November 22 and 23, RAM mobilized its rebel forces for a coup. But AFP Chief of Staff Fidel Ramos remained loyal to President Aquino and worked the phones to mobilize an effective counter-coup. Within 24 hours, the rebel forces were "boxed in" and returned to barracks without firing a shot. RAM's coup collapsed.

Impunity

After five more failed coup attempts between 1986 and 1990, surrender remained the only option for RAM's leaders. Facing charges for crimes of murder and rebellion, the RAM colonels were determined to lay down arms in ways that would guarantee immunity.

Through a mix of bluff and violence, they not only won an absolute amnesty, they also placed their leader in the Senate—launching him on a path to the presidency of the Philippine Republic.

In October 1995, the RAM rebels and government representatives met at Camp Aguinaldo to sign a peace agreement ending the group's seven-year revolt. Under the terms of the accord, RAM agreed to a "permanent cessation of hostilities" and promised to "commit itself to democratic processes." In exchange, the government would reinstate all rebel soldiers into the Armed Forces and grant "a general and unconditional amnesty for all offenses committed in pursuit of their political beliefs." After years of maneuvering to escape prosecution, RAM had finally won impunity for crimes of rebellion, murder, and torture.

But, in January 1998, Senator Honasan's path to the Palace was momentarily blocked by sensational revelations in the Olalia murder case. Two sergeants, both members of RAM's death squad, testified that the top rebel leaders had ordered Olalia's brutal salvaging and then tried to conceal the crime by murdering six members of their own death squad. In April, after a delay of twelve years, the Justice Department finally filed charges against thirteen RAM members for the murder of Olalia. In the end, the RAM leaders may well get away with murder because their lawyers are insisting that these crimes were covered by amnesty. Nonetheless, the filing of these charges forced Senator Honasan to withdraw from a 1998 vice presidential campaign that could have been his first step toward the presidency in 2004.

Though RAM and its spectacular coups have now faded, the legacy of martial law lives on in the Philippine National Police (PNP). Whether RAM rebels or Marcos loyalists, members of Class '71 in the PNP have continued to their relentless rise to power, though often guilty of serious human rights abuses.

In 1991, then Defense Secretary Fidel Ramos merged the Constabulary with local police to form the new Philippine National Police. Since there was no investigation of past human-rights abuses, torture and salvaging have continued inside the PNP. In 1997, the last full year of the Ramos presidency, the AFP recorded only 81

human-rights violations, while the PNP was responsible for 1,074—43 percent of the nation's total. Today, the daily press carries regular reports of police torture, salvaging, and other human-rights abuses.

Under President Estrada, Class '71 has continued its rise to power within the PNP. In the first months of his administration, Estrada, acting as his own interior secretary, appointed members of Class '71 to key regional and national commands, making them the most powerful cohort in the police. Among those promoted were three classmates who personify the successive stages of Class '71's descent into violence. The new PNP regional commander for Northern Mindanao, Ruben Cabagnot, was responsible for the hazing death of a plebe at the PMA. The PNP commander for Central Mindanao, Tiburcio Fusilero, did 40 assassinations for Marcos and led RAM's 1989 coup in Cebu. The commander of the powerful Presidential Task Force on Organized Crime, Panfilo Lacson, was deputy director of the notorious MISG and was indicted in 1995 for the brutal massacre of eleven suspects in his custody. Other members of Class '71 with questionable records were also promoted—notably General Victor Batac, a Marcos-era torturer and the chief strategist of RAM's revolt.

Impunity and Civil Society

The Philippine military has thus, like its counterparts in Argentina and Chile, achieved "impunity" for its crimes and coups. As a recent phenomenon, impunity is a little understood process with far-reaching ramifications. At the VI International Symposium on Torture at Buenos Aires in 1993, delegates defined impunity as "the fact that, even in countries where dictatorship has given way to democratic rule, many torturers and other violators of human rights go unpunished." In some nations, the military wins impunity directly by negotiation and in others, such as the Philippines, indirectly by forcing a political stalemate.

The Philippines provides an example of extreme impunity. Even in the most difficult of transitions from dictatorship, many of these new, weak democracies have still managed to win concessions to justice. From remembering to forgetting, from punishment to amnesty, different countries have tried different ways coping with the

collective burden of a traumatic past. In comparison with other post-authoritarian nations, the Philippines has done very little to punish human-rights violators or purge their influence from the military.

Impunity has left what University of the Philippines historian Maris Diokno has called the "entrenched legacy of martial law"—a lingering collective malaise that, subtlety but directly, shapes and distorts the nation's political process. Since Marcos' fall, each succeeding administration has, by action and inaction, allowed impunity to deepen. During her first months in office, President Corazon Aquino appointed four human-rights lawyers to her Cabinet and seemed strongly committed to the issue. But battered by repeated coup attempts, she abandoned any attempt to prosecute the military for past crimes of torture and murder. Her successor, President Fidel Ramos, transformed impunity from a *de facto* to *de jure* status. That is, he bestowed the imprimatur of a lasting legality upon an impunity that had been, under Aquino, a short-term compromise. Moreover, his administration elevated former torturers to positions of power. Most recently, President Joseph Estrada is completing this process by offering members of the Marcos regime both symbol and substance of exoneration.

Finding the Philippine courts and Human Rights Commission unsympathetic, some 10,000 Filipino torture victims mounted a massive litigation against Marcos in the U.S. federal courts. As President Ramos moved toward an absolute amnesty for torturers between 1992 and 1995, the U.S. District Court for Hawaii was aggressively pursuing a massive class-action suit against the Marcos estate—providing Filipino victims justice that they were being denied at home. In September 1992, the U.S. District Court in Honolulu found Marcos guilty of systematic torture and held his estate liable for damages to all 9,541 victims—later awarding nearly $2 billion in damages, the biggest personal-injury verdict in legal history. In January 1995, President Ramos sparked controversy by announcing that his government would oppose awarding Marcos' Swiss assets to these torture victims. In an angry editorial, the *Philippine Daily Inquirer,* blasted the "moral bankruptcy of the Ramos administration's position." In a biting, personal attack on the President, the paper reminded him that with him as commander of the Constabulary under Marcos, it was "his men who were conducting the dreaded evening arrests, who were applying the water cure to extract confessions and administered electrical shocks to genitals of political detainees."

The Philippine past provides ambiguous lessons about the likely consequence of forgetting as a means of coping with collective trauma. In the past century, the Philippines suffered the brutality of military rule four times—Spain's martial law of 1896-98, the U.S. military regime, the Japanese occupation in World War II, and Marcos' martial law. No matter how great the brutality, in the aftermath the Philippines coped with the collective trauma by a period of forgetting followed, often decades later, by a sense of outrage. Spain's defeat and retreat removed Spanish violators from any accounting. In the decades following the Philippine-American War, the nationalist elite chose to forget the brutality of the U.S. Army's pacification and instead pursue a negotiated independence. After World War II, society chose not to charge Filipinos who had collaborated with the Japanese and the U.S. military prosecuted most of the Japanese war criminals, reducing the new Philippine Republic to mere spectators.

Nonetheless, this most recent bout of forgetting seems unique. The excesses of the Marcos era were perpetrated by Filipino officials who remain within the country's jurisdiction. Once again, the Philippines has allowed America, through the Hawaii human-rights case, to act as arbiter of its standard of justice.

Between the poles of local impunity and global justice, the Philippines emerged from the first decade of the post-Marcos period with signs of a lingering trauma. This jarring juxtaposition—between the U.S. granting justice to Filipino victims and their own government's attempt to deny it—indicates that the trauma of Marcos' terror remains deeply imbedded in society's collective memory and institutional fabric. The activist ex-priest, Edicio de la Torre, has sensed, since Marcos' fall in 1986, a deep need for reconciliation among both victims and perpetrators.

Freed from judicial review, the torturers of the Marcos era have continued to rise within the police and intelligence bureaucracies, allowing the pervasive brutality of martial law to persist. Under

impunity, culture and politics are recasting the past, turning cronies into statesmen, torturers into legislators, and killers into generals. Beneath the surface of a restored democracy, the Philippines, through the compromises of impunity, still suffers the legacy of the Marcos era—a collective trauma and an ingrained institutional habit of human-rights abuse.

Conclusion

As the Philippines reaches for rapid economic growth, it cannot, I would argue, afford to ignore the issue of human rights. If the Philippines is to recover its full fund of "social capital" after the trauma of dictatorship, it needs to adopt some means for remembering, recording, and, ultimately, reconciliation. No nation can develop its full economic potential without a high level of social capital, and social capital cannot, as Robert Putnam teaches us, grow in a society without a sense of justice.

MARCOS-STYLE GOVERNANCE AND HUMAN RIGHTS ABUSES DURING THE MARCOS DICTATORSHIP

Atty. Alexander A. Padilla

Human rights, as a concept, is a relatively new term. It became popular after World War II when crimes against humanity and genocide were committed by the Nazis against the Jewish people. Before this time, crimes against humanity and genocide were unthinkable. It was during the Nuremberg trials that the concept of individual responsibility for acts committed by a state against a people was being made liable. Because these persons were being held liable, superior force or the act of the leader was no longer a defense for any state.

The 1950's saw the formulation of the declaration of human rights, the international covenants on civil and political rights, as well as social and cultural rights. Now we must understand that individual rights are one dimension of the concept while the rights of associations or groups would be another. The concept of human rights does not only have many dimensions but certain characteristics which can be fully appreciated when viewed in a particular setting and circumstance.

At that time, in the West where capitalism and its emphasis on individual effort and initiative propelled societies into the Industrial Age, the dominant cry was the cry of individual, of entrepreneurial initiative, such that people would speak of human rights. In these countries, the emphasis was on individual rights as enshrined in their Magna Carta. In this sense, even the rights of groups and associations became mere extensions of individual rights.

In the Asian setting, as well as the rest of the Third World, human rights is assigned a broader meaning for it is an outgrowth of the people's collective struggle for self-determination and freedom