

## On Argentina's Crimes Against Humanity Trials

REVIEW OF: Eva Van Roekel, *Phenomenal Justice: Violence and Morality in Argentina* (New Brunswick: Rutgers University Press, 2020). 196 pp. (paperback). ISBN 978-1-978-80026-7.

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**E**va van Roekel's *Phenomenal Justice: Violence and Morality in Argentina* is an important contribution to studies of political violence in Argentina in the twentieth century and more specifically, the military dictatorship that ruled the country from 1976 to 1983. While this is not the first ethnographic study to consider the dictatorship's efforts to annihilate alleged political subversives and the aftermath of the resulting atrocities,<sup>1</sup> van Roekel's monograph offers a particularly valuable focus: it brings into conversation people who represent different parties to the conflict, showing how they navigated the crimes against humanity trials that the Argentinian government used — over thirty years after the dictatorship's end — to prosecute trial military officers who the prosecution deemed to have a high degree of criminal responsibility for the dictatorship's mass human rights violations. Between 2012 and 2018, van Roekel immersed herself in the trials, establishing especially close research relationships with twenty-six people: some of whom had survived periods of illegal detention and torture, and/or had loved ones 'disappeared', while others were indicted military officials. She also interviewed judges and engaged more casually with other legal experts involved in the crimes against humanity trials (pp. 15-19). The result is a rich overview of the trials' impact on people from different sides of the conflict.

Following a brief prologue, the first chapter, 'Phenomenal Justice', outlines van Roekel's theoretical and methodological approach, and provides readers with some brief historical context. Subsequent

1 See, for example, cultural anthropologist Antonius C.G.M Robben's book, *Political Violence and Trauma in Argentina*, which considers escalating episodes of political violence from 1945 to 1990, and social anthropologist Jill Stockwell's *Reframing the Transitional Justice Paradigm: Women's Affective Memories in Post-Dictatorial Argentina*, which more specifically uses oral testimonies to centre women's experiences of and emotional responses to four periods of guerrilla violence and dictatorship between 1969 and 2003. Antonius C.G.M Robben, *Political Violence and Trauma in Argentina* (Philadelphia: University of Pennsylvania Press, 2005); and Jill Stockwell, *Reframing the Transitional Justice Paradigm: Women's Affective Memories in Post-Dictatorial Argentina* (Cham: Springer, 2014).

chapters are then organised thematically. Chapter Two, 'Things That Matter,' immerses the reader in the materiality on display during the trials: from the body language people demonstrated in response to the physical evidence of torture brought up during the hearings to the objects that people showed during the trials to reinforce their testimonies or demonstrate solidarity, among other purposes. The third chapter, 'Time', then shifts to the complex, deeply personal, and often temporally jumbled ways that different parties prioritised, remembered, and narrated their past experiences of conflict and subsequent struggles in response to the broader cultural and political contexts in which they were embedded. 'Trauma', the fourth chapter, analyses the impact of trauma — resulting from the atrocities and subsequent encounters with Argentina's transitional justice mechanisms — on survivors, with particular attention paid to their efforts to exhibit a kind of heightened morality amid lingering negative emotions, such as survivors' guilt. Next, the fifth chapter, 'Disgrace', then highlights how the indicted officers tried to challenge the trials' legitimacy due to their perception of the atrocities as 'irregularities and mistakes' within an otherwise 'just war' (pp. 97, 99). This is a direct result of their efforts to maintain a sense of themselves as loyal soldiers, even as they sometimes privately acknowledged feeling shame for having played a part in these atrocities. The sixth chapter, 'Laughter and Play', takes a somewhat unusual turn for a study of political violence to consider the added importance and 'moral messiness' of humour and satire, celebration, and other coping mechanisms that people from all sides of the conflict used to negotiate uncertainties and confusion surrounding their experiences of the trials (p. 142). The seventh and final chapter, 'Where Justice Belongs', concludes with a discussion of how, rather than embracing the stated goals of the transitional justice mechanisms — particularly to promote closure — following the conclusion of the trials, people who had participated in the trials often preferred to hold on to the diverse, often difficult, and at times competing emotions that they had experienced during the trials, due to the perception that such emotions were integral to their ability to rebuild moral lives.

Underpinning this study is an innovative theoretical framework that van Roekel developed to make sense of the experiences and perceptions that people shared with her during her fieldwork. At its heart, the book is a contribution to the anthropology of emotion sub-field,<sup>2</sup>

2 For useful overviews of the anthropology of emotion sub-field, see, for example, Andrew Beatty, *Emotional Worlds: Beyond an Anthropology of Emotion* (Cambridge: Cambridge University Press,

out of respect for the realisation that in Argentina feelings are ‘vibrant social matters’ (p. 10) integral to how people make sense of their experiences. Van Roekel further argues that in-depth analysis of emotions can further facilitate enhanced understanding of the diverse physical and psychological effects that social experiences can have on people’s everyday lives (p. 11). As the book’s title suggests, van Roekel further brings her analysis of emotions into the conversation by integrating interdisciplinary literature on phenomenology (pp. 11-14), in which the phenomenal is not what is remarkable or extraordinary in people’s lives, as the term is often used in popular culture, but rather ‘what is explicable in the way we encounter the immediate world’ (p. 4).<sup>3</sup> The relevance of this theoretical framework is supported with ethnographic vignettes that respectfully centre key interlocutors and the emotion with which they reflected upon and communicated their experiences and perspectives of the trials.

Indeed, it is van Roekel’s theoretical framework and associated in-depth analysis of emotions surrounding the trials that is arguably this book’s most significant contribution to the field of Perpetrator Studies. While van Roekel’s study incorporates the perspectives of perpetrators, particularly in Chapter Five, her study does not focus solely on perpetrators nor does she use the term ‘perpetrator’ much in her writing; she instead typically refers to ‘indicted military officers’ when writing generally and otherwise mentions officers by name, as she does when writing about other interlocutors. Furthermore, where she does focus on indicted military officers, she does not engage with the broader field of Perpetrator Studies, though she has done so in subsequent publications.<sup>4</sup> Nonetheless, scholars and practitioners in this field would likely benefit from exposure to van Roekel’s in-depth analysis of the emotions experienced by different parties to the crimes against humanity trials. She challenges readers to think beyond the negative feelings of

2019); and *Mixed Emotions: Anthropological Studies of Feeling*, ed. by Kay Milton and Maruška Svašek (London: Routledge, 2005).

- 3 Anthropologists Kalpana Ram and Christopher Houston offer a preliminary definition of phenomenology as ‘an investigation of how humans perceive, experience, and comprehend the sociable, materially assembled world that they inherit at infancy and in which they dwell’. Kalpana Ram and Christopher Houston, ‘Introduction: Phenomenology’s Methodological Invitation’, in *Phenomenology in Anthropology: A Sense of Perspective*, ed. by K. Ram and C. Houston (Bloomington: Indiana University Press, 2015), pp. 1-25 (p. 1).
- 4 See Eva van Roekel, ‘Getting Close with Perpetrators in Argentina’, in *Researching Perpetrators of Genocide*, ed. by Kjell Anderson and Erin Jessee (Madison: University of Wisconsin Press, 2020), pp. 115-136; and Eva van Roekel, ‘On the Dangers of Empathy with the Military in Argentina’, *Ethnos*, 86.4 (2021), 616-631.

revenge and anger, assumptions of trauma, and discourses related to retribution, forgiveness, and healing that dominate many transitional justice scholars' analyses of people's encounters with transitional justice mechanisms. Instead, van Roekel acknowledges a broader emotional spectrum that includes positive feelings, such as humour and joy.

Regarding her discussion of indicted military officers, her study exposes an important tension between the loyalty and obedience to orders that they preferred to associate with their years of military service — and in which they tried to take pride — and the subsequent disgrace with which they were regarded by the Argentinian society as information about the atrocities they committed came to light and survivors sought evidence of their guilt and remorse. Van Roekel reveals that their military training inculcated them with an awareness that negative emotions, like fear and fatigue, were formally 'disapproved of' (p. 105), but it did not acknowledge or prepare them for other potential negative feelings or demonstrations of guilt or remorse, for example, or the sense that the military institution for which they had once sacrificed had abandoned them or lost credibility. For many indicted officers, this tension prompted silence or a refusal to defer responsibility for their crimes to the superiors whose orders they followed, at least in public contexts, and a tendency to condemn those officers who publicly apologized or expressed remorse as disloyal. By bringing this tension to light, van Roekel's point that researchers, in their efforts to render perpetrators' criminal actions and how they make sense of these crimes understandable, 'tend to overlook the idea that various moralities and self-images coexist uneasily in perpetrators' lives' is well taken as something future researchers should strive to avoid (p. 121).

Thus, while *Phenomenal Justice* does not engage extensively with the field of Perpetrators Studies, it nonetheless offers important theoretical insights for scholars and practitioners in the field. Furthermore, the book is nuanced, theoretically sophisticated, and people-centred, and clearly evidences the often messy and emotionally charged ways that Argentinians from different sides of the conflict engaged with and reacted to the crimes against humanity trials. It also raises provocative questions regarding how studies of perpetration, transitional justice, and related fields might benefit from considering a broader spectrum of emotional responses to political violence in contexts beyond Argentina, offering a model that hopefully future researchers will be keen to build upon.

## Works Cited

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