

BOOK REVIEW ESSAYS

# Reframing Transitional Justice: Memory, Interdisciplinarity, and Transformative Ways of Seeing

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This essay reviews the following works:

**The El Mozote Massacre: Human Rights and Global Implications.** By Leigh Binford. Revised and expanded ed. Tucson: University of Arizona Press, 2016. Pp. 400. \$34.95 paperback. ISBN: 9780816532162.

**Stories of Civil War in El Salvador: A Battle over Memory.** By Erik Ching. Chapel Hill: University of North Carolina Press, 2016. Pp. 362. \$34.95 paperback. ISBN: 9781469628660.

**The Politics of Transitional Justice in Latin America: Power, Norms, and Capacity Building.** By Ezequiel A. González-Ocantos. Cambridge: Cambridge University Press, 2020. \$18.00 paperback. ISBN: 9781108799089.

**The Feathers of Condor: Transnational State Terrorism, Exiles and Civilian Anticommunism in South America.** By Fernando López. Cambridge: Cambridge Scholars Publishing, 2016. Pp. 375. £57.99 hardcover. ISBN: 9781443897099.

**Eruptions of Memory: The Critique of Memory in Chile, 1990–2015.** By Nelly Richard. Translated by Andrew Ascherl. Pp. xxvi + 189. Cambridge: Polity Press, 2018. Pp. 224. \$22.95 paperback. ISBN: 9781509532285.

**Exile, Diaspora, and Return: Changing Cultural Landscapes in Argentina, Chile, Paraguay, and Uruguay.** By Luis Roniger, Leonardo Senkman, Saúl Sosnowski, and Mario Sznajder. Pp. 304. \$82.00 hardcover. Oxford: Oxford University Press, 2018. ISBN: 9780190693961.

**Surviving State Terror: Women's Testimonies of Repression and Resistance in Argentina.** By Barbara Sutton. New York: New York University Press, 2018. Pp. v + 325. \$35.00 paperback. ISBN: 9781479829927.

**Memory, Truth, and Justice in Contemporary Latin America.** Edited by Roberta Villalón. Lanham, MD: Rowman and Littlefield, 2017. Pp. vi + 274. \$41.00 paperback. ISBN: 9781442267251.

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In 1983, Raul Alfonsín, who was then just a candidate for president of Argentina, recited the constitution's preamble during his presidential campaign. With that gesture, democracy, as a concept, emerged from the dusty drawers after many years of dictatorship to a public space inhabited by a multitude. After so many years of being prohibited, each word of the preamble acquired new and different meaning and became the symbol of the possibility of a return to the rule of law. Both as a promise of democracy and a pledge to its sustainability, Alfonsín's gesture inaugurated Argentine's transitional justice model. Although this model was interrupted during the long 1990s decade of impunity, it placed accountability at the center of

the restoration of the rule of law and a new democratic culture. In the intervening years, there has been a constant struggle for truth, memory, and justice and a demand not to forget the long-lasting effects of past atrocities. When rethinking this transition, and transitions in general, it is important to recognize how numerous struggles interact to transform the culture and how activism and organizing for human rights are always accompanied by efforts in the artistic and literary field. From music to the plastic arts and photography, from poetry to novels, testimonial literature, and essays, the arts and the many intellectual debates surrounding the arts play a crucial role in the transitional justice process.<sup>1</sup> It is essential to consider not only institutions but also an array of cultural and artistic practices that have been overlooked for a long time.<sup>2</sup>

The selection of books in this review represents different approaches to transitional justice as an interdisciplinary field and its transformations since the 1990s, including the recent inclusion of memory as a constitutive component. These changes are crucial to the field's opening to the many different ways the past (and the atrocities of the past) is remembered and memorialized. During the forty-fifth session of the Human Rights Council in 2020, Fabian Sabioli, the UN Human Rights Special Rapporteur on the promotion of truth, justice, reparations, and guarantees of non-recurrence, underscored the crucial role played by the processes of memorialization as the fifth pillar of transitional justice: "Positive work in the area of memory not only helps to build democratic cultures in which human rights are respected but also fulfills the legal obligation of States to guarantee human rights."<sup>3</sup> With its many layers, memory, and most especially the struggles over memories, bring to the forefront a constellation of images, recollections, and interpretations, as well as individuals, communities, and groups, that renew and reinvigorate the debates about the past and the present, as well as the interpretation of justice and challenges to the transitional justice processes themselves.

In these pages, I will discuss some recent contributions to present debates on transitional justice in Latin America, including exploration of different angles of the construction of memory in both the social sciences and the humanities. I intend to underscore the impact of memory struggles and the perspectives of different disciplines on the reformulation of the field toward a more transformative model that challenges Western and colonial ways of thinking and opens new doors to understanding and renegotiating a more inclusive and transformative notion of justice.

## Transitional Justice and the Ability to See

Latin American scholarship and debates on transitional justice have been recognized by different scholars both as vital contributions to the field and as innovative ways of understanding its processes. This role is the point of departure of *The Politics of Transitional Justice in Latin America: Power, Norms, and Capacity Building*, by Ezequiel A. González-Ocantos. The book examines the transformation of transitional justice from punitive models to truth-seeking models that emphasize accountability, reparations, and institutional reform. González-Ocantos also explores the expansion of the field, underscoring its malleability more than its rigidity. At the same time, he discusses two existing models in the field: the Huntingtonian model (which emphasizes redemocratization politics driven by either the elite in power or oppositional groups) and the justice cascade model (which emphasizes international norms and a transnational network of activists and human rights experts).<sup>4</sup> In addition to clearly summarizing these two perspectives, González-Ocantos persuasively argues that the difficulty of implementing the models by themselves can only be overcome by building transitional justice capabilities. His new model complements the previous two and is the main contribution of this book.

The starting point is Guillermo O'Donnell and Philippe Schmitter's *Transitions from Authoritarian Rule* and, in particular, their point about the dilemma that transitions pose for a consensual model of addressing

<sup>1</sup> See, for example, Rebecca Atencio, *Memory's Turn: Reckoning with Dictatorship in Brazil* (Madison: University of Wisconsin Press, 2014); Fernando Rosenberg, *After Human Rights* (Pittsburgh, PA: University of Pittsburgh Press, 2016); and Ana Forcinito, *Intermittences: Memory, Justice, and the Poetics of the Visible in Uruguay* (Pittsburgh, PA: University of Pittsburgh Press, 2018).

<sup>2</sup> See, for example, *Transitional Justice, Culture, and Society beyond Outreach*, edited by Clara Ramírez-Barat (New York: Columbia University Press, 2014), in particular Pablo de Greiff's contribution, "On Making the Invisible Visible: The Role of Cultural Interventions in Transitional Justice Processes," 22–24.

<sup>3</sup> "Memorialization Processes in the Context of Serious Violations of Human Rights and International Humanitarian Law: The Fifth Pillar of Transitional Justice," Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, July 9, 2020, <https://undocs.org/A/HRC/45/45>.

<sup>4</sup> See Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991); and Katherine Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W. W. Norton, 2011).

the atrocities of the past: with the leadership focusing on peace (and “burning the past”) and the perception of the majority of the population that any such route is unethical.<sup>5</sup> Yet, for González-Ocantos, we should not conceive it as a transitional dilemma but instead as a permanent one (or at least recurrent). The challenges posed by implementation contribute to a process marked by recurrence, repetition, and reformulation. The building (or rebuilding) of the needed infrastructure is central, González-Ocantos argues, for the advancement of transitional justice. Therefore, the emphasis here shifts from politics (the Huntingtonian model) and international norms, actors, and expertise (the justice cascade model) to domestic actors’ expertise and to the building of the capacities that could allow the successful implementation of transitional justice mechanisms.

I will mention two examples provided by González-Ocantos: the first in Guatemala and the second in Argentina. In the case of Guatemala, the author focuses on the advances represented by the United Nations and the International Commission against Impunity in Guatemala (CICIG) in supporting judicial institutions and training prosecutors and police. He examines changes in the selection process and the “creation of ‘high risk’ courts devoted to cases of macro-criminality, including human rights violations” (56). In addition, he underscores the appointment of the lawyer and human rights defender Claudia Paz y Paz as attorney general in 2010, and the subsequent impact of this appointment on the increase of criminal prosecutions, the adoption of a victim-centered approach, the transformation of institutional practices, and the incorporation of protocols for investigating sexual crimes.<sup>6</sup> Along with the crucial moment when the former dictator Efraín Ríos Montt was convicted in 2013 (even though a constitutional court annulled the conviction shortly thereafter), these critical transitional justice advances might not be sustainable. González-Ocantos suggests that changes in Guatemala were made rapidly and in a “top-down fashion.” Building the capabilities for the implementation of justice requires transforming the way the state and its agents “look at the world around them” (46).

González-Ocantos also analyzes Argentine advancements concerning sexual violence during the military dictatorship. The reframing of sexual violence responds to how women were framed as accomplices or sexual and romantic partners, both by military oppressors and by the democratic judicial system (as well as by the cultural norms of the 1980s and 1990s). As a new way of seeing and understanding, the reframing also responds to how these scenarios were framed by cis-hetero-patriarchal expertise. The Kirchner presidencies made possible many advances in the accountability model in Argentina. Yet, the most salient aspect was, for González-Ocantos, the process of jurisprudential innovation. The book underscores the role of judicial leaders—from the Supreme Court and domestic criminal courts, which were committed to justice, to the lower courts, which provided technical assistance. The book also examines the appointment of a specialized team of prosecutors to revise procedural standards.

Whereas González-Ocantos focuses on the courts, it would also be possible to consider a much broader frame for the historic 2010 decisions that made sexual violence in the context of state-sponsored terrorism a crime against humanity. In this more comprehensive scenario, various cultural productions, debates, and activities point to the importance of interdisciplinary perspectives. And while some of these arguments are linked to international discussions and decisions, the impact of cultural debates and artistic and literary practices cannot be overlooked here, nor can we overlook the role that survivors and testimonial narratives in documentary films played in these debates. They were crucial in redefining the expertise needed to address these issues. The ability to see sexual violence through a different lens is linked to various feminist debates in legal, philosophical, artistic, intellectual, and testimonial contexts, all of which took place in Argentina well before 2010. Expertise and jurisprudential achievements are inevitably connected to feminist groups, women survivors, and human rights activists, as well as to artists, writers, and philosophers. González-Ocantos’s contribution to the way we think about the transitional justice field opens, in my opinion, an important door to rethink the role that the interconnection of different groups and disciplines has had in those cultural transformations that later resulted in new forms of expertise, such as feminist readings of sexual violence, which were previously not considered necessary.

<sup>5</sup> Guillermo O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 2013).

<sup>6</sup> González-Ocantos quotes from the following sources: Emily Braid and Naomi Roht-Arriaza, “De Facto and De Jure Amnesty Laws: The Central American Case,” in *Amnesty in the Age of Human Rights Accountability*, edited by Francesca Lessa and Leigh A. Payne (Cambridge: Cambridge University Press, 2012), 182–209; Susan Kemp, “Guatemala Prosecutes Former President Ríos Montt: New Perspectives on Genocide and Domestic Criminal Justice,” *Journal of International Criminal Justice* 12, no. 1 (2014): 133–156; and Jo Marie Burt, “From Heaven to Hell in Ten Days: The Genocide Trial in Guatemala,” *Journal of Genocide Research* 18, no. 2 (2016): 143–169.

## Gender, Memory, and Transformative Justice

For over two decades, the construction of memory about the last military dictatorship era in Argentina was mainly patriarchal, and this masculine framework erased women survivors within the most visible narratives of the return to democracy. By challenging masculine paradigms of the human and memory, Barbara Sutton makes a substantial contribution to the transformation of the transitional justice field in *Surviving State Terror: Women's Testimonies of Repression and Resistance in Argentina*. Sutton offers a gender-based analysis of women's narratives. Through narratives, voices, and visions of fifty-two women and their testimonies in the Oral Archive of the organization Memoria Abierta (Open Memory), Sutton analyzes accounts of the terror suffered during clandestine detention and underscores the centrality of the memories of the pain inflicted during sessions of torture and sexual violence. The book offers close-up narratives about the body, including the patriarchal scripts surrounding gender-based violence, and underlines bodily forms of resistance, including forms of solidarity. The testimonial narratives analyzed by Sutton bring the body to the forefront as an anchor of suffering, memory, narration, affect, resistance, and struggle. Yet, these narratives remain incomplete without a listener. Thinking of memory in terms of gender is not new in the Argentine landscape, and Sutton both recognizes some of the works written by other scholars and enters in dialogue with the discipline itself. By focusing on the act of listening as crucial to dealing with issues of testimony and memorialization, Sutton shows how listening also involves recognizing how the accounts included in her book were silenced by patriarchal discourse.

One of the main contributions of this book is to show that memory without the narratives of women survivors is not only incomplete but also inaccurate. Sutton argues in her conclusion that advancing a democratic culture "requires listening to a variety of embodied stories, not all of which have had the chance to emerge fully" (251). Sutton understands the construction of memory as an ongoing process, and by challenging the patriarchal framework of memory, her book is both a timely and ambitious study of the reconstruction of the recent Argentine past from a gender-based perspective, which rethinks transitional justice through a transformative lens.

## On Memories: Tides and Volcanoes

As in the case of gendered memories and their role in the memorial process, the dispute over the meaning of transitions also involves a dispute over the interpretation of the past. It is particularly at this junction that more marginalized memories open up new ways to understand the past by unveiling meanings and information that were not previously taken into consideration. Memory, with its multiple folds, allows us to reframe the past and, with that, the interpretations that frame the process of transitional justice.

One of the points of departure in Roberta Villalón's introduction to *Memory, Truth, and Justice in Contemporary Latin America* is the reinvigoration of the process of truth, reconciliation, and justice at the turn of the century. Organized in four parts, and with the participation of leading scholars in the field, this interdisciplinary book focuses on different approaches to framing and reframing collective memory and the paradoxes of memory and justice. In the introduction, Villalón underscores new ways to reframe memories of the past to promote truth, memory, and justice. She also points out that there is a sense of paralysis brought by the traumatic experiences of the past, which has been transmitted transgenerationally. During this second wave, everything is questioned and revisited: the notions of victimhood, justice, memory, and truth. It seems difficult to separate the artistic and literary practices from the legal efforts and the social mobilizations. According to Villalón, all these different components represent the complexity of memory truth and justice processes, which cannot be addressed with "authoritative, 'monolithic and essentialist' explanations" (7). Instead, she proposes an activist scholarship that seeks to contribute to community social justice efforts. In a way, the book itself is part of this second wave of memory construction and presents voices from different Latin American countries, which reflect on the construction of memory, its labors, and its battles.

The volume is divided into four parts. "Framing Collective Memory: Counter-Hegemonic and Master Narratives," with essays by Emilio Crenzel, Valentina Salvi, and Hillary Hiner and María José Azócar, deals with the framing and reframing of collective memory over time. In this section, essays point to the complexities and even paradoxes of the processes of memory and justice. The second part, "Defining Historical Periods, Blame, and Reparation," focuses on the relation between memory and national discourse, including neoliberalism (Juan Poblete), the tension between the long memory of colonization and the short memory of the atrocities of the dictatorship in Bolivia (Francisco García Jerez and Juliane Müller), and the narratives of reconciliation and pacification in Colombia (Erika Márquez). The third part, "Cultures of Trauma, Healing, and Justice," explores past wounds and narratives of fractures. Without disconnecting



trauma from transitional justice, the contributions of Lorenzo D'Orsi, Virginia Garrard, and Susana Kaiser point to silence and traumatic memory, as well as to the truth and justice process, in Uruguay, Guatemala, and Argentina. The last part, "Arts, Media, Museums, and Memory," discusses the process of memorialization and explores how artistic and cultural practices have advanced the transitional justice process. Essays by Diana Sierra Becerra, Nina Schneider and Rebecca J. Atencio, Renzo Aroni Sulca, and Alexis Cortés analyze counterhegemonic artistic memorialization practices in El Salvador, Brazil, Peru, and Chile.

Villalón proposes that memory is an ongoing process and an unfinished labor. In a similar vein, Nelly Richard argues in *Eruptions of Memory: The Critique of Memory in Chile, 1990–2015* that memory is also in constant transformation. The metaphor of volcanic explosions in the title points to the return of images and recollections that point to the wrongdoings of the past. In the original Spanish, the title also points to the latencies (*latencias*) and startles (*sobresaltos*) of traumatic memory, which indicate, beside the image of a volcano, the many layers of memory and the inconclusiveness of the return of what was buried but still haunts us. The book is organized into ten essays, each of which belongs to a different post-dictatorship moment, from the avant-garde and the *escena de avanzada*, the artistic intervention that subverted the mandatory representations of the Pinochet dictatorship, to the forty-year commemoration of the dictatorship in 2013. Richard examines what from the buried past still has the power to shock, either by producing new aftershocks or by shaking the meanings of the neoliberal present and of those subjectivities that are still numbed by past and present traumas. According to Richard, the neutralization of memory during the Chilean transition and the emphasis on consensus and reconciliation might be understood as a point of departure for rethinking the depoliticization of memory and its detachment from justice. Memorialization is a struggle against the problem of accepting the principle of truth without justice. Richard analyzes various returns from a haunted past: not only the crimes committed during the dictatorship or even the debates around the confessions of perpetrators (as in chapter 4), but also the attempts to represent the past and its obscenities, as well as the struggles that took place in 1998 in Chile upon Augusto Pinochet's return after his arrest in London. Yet, the struggle over memory and the process of memorialization is also problematic, particularly when recurrence results in the neutralization of meaning of memory, or when memory is in "the network of political power and influence" (150). Therefore, memorial sites such as Villa Grimaldi, Londres 38, or the Museum of Memory and Human Rights, even with the ritualistic call to exercise memory, risk conceiving this practice as fixed and conclusive. As with the analysis of the commemoration of the dictatorship's fortieth anniversary in 2013, the emphasis shifts from memory to erasure. Understanding one practice, one site of memory, or one narrative as representative of the past means understanding what is remembered and what is forgotten.

When reading this text in 2020, the protests of October 2019 cannot be ignored, nor can we forget the recent vote to draft a new constitution. The last words in Richard's text are precisely about the constitution and its entanglement with the protection of "the political and economic privileges of those who inherited the dictatorship's legacy and its criminals" (152).

One of the issues the protests underscored was the link between the past dictatorship and the present Chilean constitution. The connecting path between memory and the rule of law is a minefield designed in the past by the terrorist state, which is still present today. Like Villalón, Richard also attempts to rethink transformative justice from a decolonial perspective. In 2011, the Londres 38 collective invited artists to interpret the resignification of the concept of disappearance in the present, particularly with the disappearance of José Huenante, a sixteen-year-old Mapuche youth. For Richard, this artistic reformulation constitutes a repoliticization of the concept of disappearance and a denunciation of the criminalization of the Indigenous peoples. Even though these cultural actions might challenge the definitions of the law (both domestic and international), artists nonetheless open new pathways for understanding rights, as well as new directions for the transitional justice process, including its link to decolonization.

## Reframing the Battles about the Past

The books I will discuss in this part account for a reframing of memory and examine narratives and testimonies that generate new interpretations about truth and justice, therefore expanding the notion of transitional justice. *The El Mozote Massacre: Human Rights and Global Implications* by Leigh Binford is one example of this new perspective. The book, which has been revised and augmented since its first publication in 1996, deals with the three-day massacre in El Mozote, El Salvador, where about one thousand civilians (including hundreds of children) were killed.

*The El Mozote Massacre* focuses on the process of truth and justice and the participation of survivors, activists, and experts in these struggles. It examines the 1993 Truth Commission and the role played by the Inter-American Commission, as well as the 2013 hearings that led the Inter-American Court to order

reparations for the victims. The book also claims that only community stories and struggles can undo the incomplete versions and narratives that exist within the transitional justice process. This concern is shaped in the following question and answer: "What form, then, might a plausible alternative writing of human rights assume? The testimonial is one possibility" (9). Shifting the emphasis from the mechanisms of transitional justice to the testimonies of those who suffered human rights abuses, Binford underscores the urgency of addressing past wrongdoing, as well as addressing the conditions that made those actions possible but continue to be present.

Binford suggests a revision of the temporality of human rights violations in order to see the violence that existed before the violations, therefore implying that these forms of violence are still in place. Transitional justice would have to respond to the urgent need to focus on storytelling and testimonies "before the interruptions brought by capture, torture, or murder" (5). This new revised edition focuses on the shortcomings of the field of transitional justice. The critique of human rights discourse is an essential part of the argument. According to Binford, the representation of the 1981 massacre using human rights language might result in an oversimplification of Salvadorians as either perpetrators, victims, or witnesses, thereby reproducing Western and colonial models. Reframing these questions involves new ways of seeing and unlearning the current assumptions of the field, a transformation that is anchored in the area of memory and, more specifically, narrative memory. Moving away from the need to prove the massacre's existence, the book examines the more recent need to analyze how the massacre has been remembered, including the transformations that took place in the labor of memory. This qualitative approach challenges the human rights quantitative perspective, which promotes a simplistic understanding of the massacre, on the one hand, and the victim, on the other, while also erasing the political tensions in the stories of the community.

The book deals with the massacre itself, the struggle for truth, and the investigation that was led by human rights groups to confront the state's effort of noninvestigation. One of the concerns about the methodology for the field is its reduction of victims to numbers. The use of testimonies and stories could serve to challenge and dismantle this reduction. Victims' testimonies are conditioned by the marginalization of recollections, meanings, and interpretations. What their singular stories reveal is a truth that is not included in reports but is central for the undoing of the interpretations, biases, and assumptions that supported many years of impunity. Testimonial practices are about the reconstruction of an experience of the past, and about reclaiming the status of such practices as *testimonies*, including reclaiming the listener as someone who will allow the testimonial process to take place. Furthermore, testimonial practices show that the process of storytelling is transformative. Past events are not remembered in only one way, and the reframing of memory (that is, the ability to also see more marginal stories) is an essential part of the truth, memory, and justice process.

Erik Ching's *Stories of Civil War in El Salvador: A Battle over Memory* also rethinks the battles between different versions of the past and challenges the possibility of reconstructing one single memory. Ching focuses on four different communities and their narratives of the past. After the death and disappearance of more than seventy-five thousand human beings and the displacement of about one million, the traumatic years of the civil war in El Salvador and the terror that inundated so many lives can only be recovered partially and in patches: "At the core of each memory community is a unifying theme that drives its respective members' narratives forward" (13).

Ching argues that the narratives of Salvadorian civilian elites, military officers, guerrilla commanders, and rank-and-file actors create different perspectives on the war, therefore challenging peace and reconciliation approaches that rely on a single narrative of the transition. According to Ching, remembering is also a battle over the interpretation of the war and the peace accords. For the civilian elites, narratives centered on expropriation and the defense of their property; for the military, the link between nation and militia pointed to the traditional elites' defense. In contrast, the guerrilla commanders' narratives place justice at the center of a struggle against the oligarchy. The rank-and-file actors also added to their stories the power embraced by their commanders, even in the shared attempt to fight against state repression. Collective memory is a site of debate over the past, and without this debate, hegemonic memories of the past become the dominant voices in the present. For Ching, storytelling is central to the task of seeing and recognizing more marginalized memories and the tensions that they underscore. Those tensions play a central role in the difficulties or even impossibilities of reconciliation. While different from the approaches taken by Richard and Villalón, Ching's book also conceives of memory as an unfinished project, which involves the recollection and interpretation of the most recent massacres and the colonial foundations of Latin American nations. Of the large number of narratives analyzed in the book, many are not necessarily linked to human rights struggles but rather to tensions and divides that are still present today. Both Binford and Ching bring

dissent to the forefront and question any attempt to reconstruct a collective memory without considering the different ways of remembering and narrating the past, the war, and the peace accords in El Salvador.

The many debates on testimonial narratives in Latin America, which have existed since colonial times but which emerged in the 1970s and 1980s as a literary genre, prove that *testimonio* as a narrative form, or even as a literary genre, does not necessarily guarantee truth or justice.<sup>7</sup> Yet, testimonios are crucial to the memorialization of the past and for challenging simplistic or hegemonic versions of what part of that past should be remembered. These two books, in different ways, emphasize this challenge. Debating and questioning hegemonic memories in the transitional justice process points to the possibility of understanding the past through different angles. Stories within a community affected by grave human rights abuses and violence serve to reconstruct not only the narrative of the past but also the communal fabric that the atrocities of the past attempted to destroy. This narrative process is also an integral part of the transitional justice process.

## An Interdisciplinary Field

Interdisciplinary collaboration might be one of the keys to understanding the study of transitional justice processes from different perspectives and methodologies. Luis Roniger, Leonardo Senkman, Saúl Sosnowski, and Mario Snajder make a clear case for collaboration in *Exile, Diaspora, and Return: Changing Cultural Landscapes in Argentina, Chile, Paraguay, and Uruguay*. The book deals with the Southern Cone and the solidarity groups that emerged in exile during the dictatorships, and brings together the expertise of four scholars who have published extensively in the field. The authors pay close attention to the impact that these actors had in active resistance to the dictatorships, including the artistic and intellectual components of resistance and in carving out political and cultural transformations during the transitional postdictatorship period, as well as their role of taking on the task (not an easy one in some of these countries) of contributing to a sustainable democracy. They argue that, although authoritarian regimes in the Southern Cone assumed that dissidents' expulsion would be enough for hegemonic control, those in exile created networks that generated international support and solidarity and undermined the international narratives of the dictatorships.

Central to the book's argument is the role of intellectuals, artists, and writers in society and the redemocratization process. Their cultural and political contributions, as well as their participation in and impact on higher education, are attributed to the fact that they constituted a "diaspora of knowledge" generated by their transnational experiences and their worldwide network of activists, intellectuals, academics, and artists. From institutionalized mechanisms of exclusion to the dynamics of diaspora mobilization and the long-term impact of expatriation, the book argues that "in tandem with the weakening of the idea of the nation-state, increasing regionalism, and global openings, the expatriation, and exile of some of the most mobilized and engaged citizens contributed to widening the optic of the domestic elites beyond state boundaries" (30). And while the objective of eradicating cultural and political opposition resulted in exile and displacement, it nonetheless also resulted in the creation of transnational networks abroad. In turn, the return of exiles had an impact on the democratization process, even though this process varied among the four countries studied. The book also underscores the commitments of exiles from the fields of arts and letters to Southern Cone political life. Their exile and return had an impact on the vibrancy of universities, theaters, public debates, and museums during the transitional process, not just upon their return but also for the decades that followed.

The authors focus on the policies of deterritorialization, analyzing what they call "the dynamic of mobilization of the diaspora" and the "politics of return," as well as the transformational effect that the exiled had on the redemocratization process. This book constitutes an essential contribution to comparative analyses of these four countries and brings together the humanities, political sciences, history, and sociology. One such contribution is the inclusion of Paraguay, a country that is often overlooked in discussions of the Southern Cone. By identifying the impact of displaced intellectuals and academic activists on the cultural and institutional transformations that followed the dictatorships in Argentina, Uruguay, Paraguay, and Chile, as well as their participation in institutions of higher education and literary and artistic production,

<sup>7</sup> See John Beverley, *Testimonio: On the Politics of Truth* (Minneapolis: University of Minnesota Press, 2004); Georg M. Gugelberger, ed., *The Real Thing: Testimonial Discourse and Latin America* (Durham, NC: Duke University Press, 1996); Arturo Arias, ed., *The Rigoberta Menchú Controversy* (Minneapolis: University of Minnesota Press, 2001); and Ana Forcinito, "Testimonio: The Witness, the Truth and the Inaudible," in *Critical Terms in Caribbean and Latin American Thought: Historical and Institutional Trajectories*, edited by Yolanda Martínez-San Miguel, Ben Sifuentes-Jáuregui, and Marisa Belausteguigoitia, 239–251 (New York: Palgrave Macmillan, 2016).

the book underscores the role of exile and return on the democratization of culture. Transitional justice is understood vis-à-vis cultural transformation. The authors also point to the tensions of exile and return, both culturally and politically, by analyzing the policies that promoted or discouraged participation in the redemocratization process. When considering current debates on migration and displacement, this book becomes even more relevant, as it invites the reader to rethink Latin American exiles and their diasporas, bridges, and networks.

### Revisiting Operation Condor

In a rereading of Operation Condor, Fernando López's *The Feathers of Condor: Transnational State Terrorism, Exiles and Civilian Anticommunism in South America* underscores the role that exiles played in the transition to democracy, in particular the role that they played in the construction of international solidarity against state terrorism in the Southern Cone. The network of coordinated intelligence and repression between Argentina, Brazil, Chile, Uruguay, Paraguay, and Bolivia is usually understood in terms of cooperation, with the common objective to "hunt down, seize, and execute political opponents in combined operations across borders."<sup>8</sup> One important point of *The Feathers of Condor* is to show the disagreements and tensions between the countries involved (most visibly, Argentina and Chile, who were on the verge of war during the dictatorships). One of the most innovative contributions of this book is its claim that this repressive network had the objective of targeting not only guerrillas but also the exile community and, in particular, international human rights networks. The book argues that these repressive networks coordinated to defeat not only the guerrillas but also the threat posed by exiles and their human rights involvement.

In López's argument, it is not enough to say that the threat to the dictatorships was political and military; rather, it was the political defeat the military regime recognized in the active gathering of solidarity and repudiation of terrorist methods. For that reason, chapter 4 constitutes an essential part of the argument and focuses on the most conservative nonstate actors of the Latin American right and their support of the military dictatorships. The book starts with the historical background of the 1975 meeting that consolidated the transnational operation, and with a political and economic analysis of the countries that participated in Operation Condor (chapter 1). In the following chapters, López examines the emergence of the Junta de Coordinación Revolucionaria (chapter 2), and the forms of resistance that exiles initiated through transnational human rights networks. Through a detailed revision of bibliographical references, documents, internal communications, and memoranda, López argues that Operation Condor was a plan that sought to coerce exiles and prevent them from participating in transnational human rights movements.

Even though the finding of the Archives of Terror in Paraguay uncovered the transnational operation, with the first documents revealing its official existence, it was the investigation by Judge Baltasar Garzón of Spain, as well as the new information disclosed by the declassification of US documents and the subsequent request for extradition of Augusto Pinochet, that brought the possibility of justice to the forefront. Furthermore, recent trials and the Operation Condor verdict of 2016 opened a new path in the transitional justice process, including a path toward the prosecution of transnational atrocities, because the trials held "state agents accountable for extraterritorial human rights violations."<sup>9</sup> López emphasizes the impact of the exiles' solidarity networks for the eroding of the self-claimed legitimacy of the military regimes, as well as the impact of human rights struggles on the reduction of financial assistance to the military. Therefore, the change of repressive scenarios from military to diplomatic, including the efforts to disrupt the exiles' human rights connections, was a central part of transnational state terrorism.

### New Visions

All these books, with different methodologies, bring to the forefront three aspects I would like to emphasize. First, the field of transitional justice is interdisciplinary. Without more collaborative, interdisciplinary approaches that underscore the different ways of understanding, the field is incomplete. Second, the emphasis on memory and memorialization in the conceptualization of transitional justice reveals the malleability of both memory and narrative and entails a more transformative version that acknowledges the diverse struggles for visibility and reinterpretation. Finally, the field's transformation involves unlearning certain approaches that have dominated in the past and carving a path toward a more inclusive field of study.

<sup>8</sup> J. Patrice McSherry, "Operation Condor: Clandestine Inter-American System," *Social Justice* 26, no. 4 (1999): 144.

<sup>9</sup> Francesca Lessa, "Operation Condor on Trial: Justice for Transnational Human Rights Crimes in South America," *Journal of Latin American Studies* 51, no. 2 (2019): 409–439.



While some earlier approaches to transitional justice pointed to “legal responses to confront the wrongdoings of repressive predecessor regimes,” the field has since expanded outside periods of political transition and beyond democratization.<sup>10</sup> The emphasis on memory practices and struggles, and on memorialization as a form of reparation, broadens the scenario of transitional justice outside legal and judicial spaces. The focus on memory helps us to understand what new frameworks can bring to our attention. Memory can include new memories and new demands, Elizabeth Jelin has suggested, and what is made visible by new groups that were previously excluded. In addition, the expansion of the field opens it up to a broader scope of disciplines, including education, the humanities, and the arts. As Cynthia Cohen suggests in a recent contribution to the reimagining of transitional justice: “artistic and cultural initiatives engage individuals and communities in distinctive ways of apprehending and transforming the world.”<sup>11</sup> Many literary narratives denounced crimes, struggled for the visibility of clandestine illegal practices, and created archives that referred precisely to what official archives were lacking. Many artistic projects worked at the interstices of what Nelly Richard calls “trizaduras de la representacion” (the tearing to shreds of representation), emphasizing the role of the arts in the creation of new languages and expressions or aesthetic ways to reveal the effects of the traumatic past.<sup>12</sup>

From new ways of seeing and their crucial role in capability building and jurisprudential innovation to the transformative role of the artistic imagination, these books expose the many layers of architecture in the transitional justice process: feminist vision as a way to reframe violence (Sutton); disputes over the meaning of the past through storytelling (Ching); transformation of narratives and memories (Binford); the role of exiles and their practices (Senkman, Roniger, Sosnowski, and Sznajder; Lopez); the network of expertise involved in the judges’ ability to see (González-Ocantos); and the reconstruction of what has either been broken by the violence of the dictatorship or has remained outside the frame (Richard; Villalón). An example of this last point is the chapter by García Jerez and Müller in Villalón’s edited collection, which examines the distinction between long and short history. These authors reference, in particular, the work of Silvia Rivera Cusicanqui and Javier Hurtado and the memories of the Aymara Quechua resistance as an interruption of national integration and its ideas of memorialization. All the approaches summarized in this review have argued for the role of Latin America in the transitional justice field, from the legal and judicial arenas to the cultural, and they underscore the field’s constant rearticulation, its battles, and its minefields, as well as new, creative ways to see, expose, and reveal new layers of memory, narratives, and actors.

Transitional justice is no longer to be circumscribed by the atrocities that occurred during recent conflicts and dictatorships but must include the long history of violence and the struggles that have been fought in legal and judicial scenarios. The transformation of the field also involves the restoration of the community fabrics that have repeatedly been threatened by colonial, patriarchal, racist, xenophobic, and homophobic manifestations of violence. Interdisciplinary scholarship and activism is reshaping the field and contributing to debates about memory and decolonization as well as to debates about racism, sexism, and heteronormativity in memory.

Transformative approaches to transitional justice have underscored the need for a shift, not solely from the legal to the social, cultural, and political, or from institutions and states to communities, but also from the focus on past atrocities to everyday concerns and to an expansion that would entail economic rights, rights to health, and environmental rights.<sup>13</sup> Similarly, challenges to Western and colonial visions anchored in universal assumptions and understandings point to intersectional feminist approaches as well as to decolonial perspectives that result in the broadening of the field away from atrocities situated in the past to systemic forms of oppression in the present.<sup>14</sup> At the same time, challenges to the racialized and colonial

<sup>10</sup> Ruti Teitel, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* 16 (2003): 69–94.

<sup>11</sup> See, for example, Cohen’s introduction to the March 2020 special issue of the *International Journal of Transitional Justice*, titled “Creative Approaches to Transitional Justice: Contributions of Arts and Culture.” Cynthia E. Cohen, “Reimagining Transitional Justice,” *International Journal of Transitional Justice* 14, no. 1 (2020): 1–13.

<sup>12</sup> Nelly Richard, *Residuos y metáforas: ensayos de crítica cultural sobre el Chile de la transición* (Santiago: Cuarto Propio, 1998).

<sup>13</sup> Paul Gready and Simon Robins, “From Transitional to Transformative Justice: A New Agenda for Practice,” *International Journal of Transitional Justice* 8, no. 3 (2014): 340.

<sup>14</sup> See Sumi Cho, Kimberlé Crenshaw, and Leslie McCall, “Toward a Field of Intersectionality Studies: Theory, Applications and Praxis,” *Signs* 38, no. 4 (2013): 785–810; Angela Santamaría, Dunen Muelas, Paula Caceres, Wendi Kuetguaje, and Julian Villegas, “Decolonial Sketches and Intercultural Approaches to Truth: Corporeal Experiences and Testimonies of Indigenous Women in Colombia,” *International Journal of Transitional Justice* 14, no. 1 (2020): 56–79; Pascha Bueno-Hansen, *Feminist and Human Rights Struggles in Peru: Decolonizing Transitional Justice* (Chicago: University of Illinois Press, 2015); Walter Mignolo, “Epistemic Disobedience, Independent Thought and Decolonial Freedom,” *Theory, Culture and Society* 26 (2009): 159–181; and María Lugones, “Heterosexualism and the Colonial/Modern Gender System,” *Hypatia* 22, no. 1 (2007): 186–209.

framework of the transitional justice process, and the rethinking of the field through transformative approaches that emphasize social and racial justice, signal a new shift and suggest new challenges to a field that seems to be in constant transformation. The reframing of transitional justice is opening new pathways to understand transformative justice, including new ways to think about systemic violence and the colonial frameworks of our present.

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Ana Forcinito is professor of Latin American literatures and cultures and holds the Arsham and Charlotte Ohanessian Chair in the College of Liberal Arts, University of Minnesota. Her research focuses on gender studies and feminist theory, literary and visual practices anchored in the promotion of human rights, and the reconstruction of memory in postauthoritarian regimes, with a primary focus on the Southern Cone. She is author of *Memorias y nomadías: Géneros y cuerpos en los márgenes del posfeminismo* (2004), *Los umbrales del testimonio: Entre las narraciones de los sobrevivientes y las marcas de la posdictadura* (2012), *Oyeme con los ojos: Cine, mujeres, voces, visiones* (2018), and *Intermittences: Memory, Justice and the Poetics of the Visible* (2018). She has coedited eight books, among them *Human Rights and Latin American and Iberian Cultures* (2009), *Layers of Memory and the Discourse of Human Rights: Artistic and Testimonial Practices in Latin America and Iberian* (2014), *Poner el cuerpo: Rescatar y visibilizar las marcas sexuales y de género de los archivos dictatoriales* (2017), and *Migraciones, derechos humanos y acciones locales* (2020). She is one of the principal investigators in the collaborative project “Memory, Trauma, and Human Rights at the Crossroads of Arts and Sciences,” a project that fosters the collaboration of humanists, social scientists, health professionals, and neuroscientists and explores the impact of storytelling in the process of individual and collective healing in human rights advocacy and the building of communities.

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