

CHAPTER 8

Mourning violent deaths and disappearances

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8.1 Introduction

The Universal Declaration of Human Rights was born from the slaughter of the Second World War, but where are the dead who inspired the world's nations to call for an international bill of rights? The rights of the dead are missing from the declaration, and so are those of the bereaved. Forensic humanitarianism has tried to fill this gap by restoring the human worth and dignity of the dead and relieve the sorrow of the bereaved (Cordner and Tidball-Binz 2017; Ubelaker et al., 2019).¹

Unlike forensic exhumations, which are primarily carried out to gather legal evidence to convict perpetrators, humanitarian exhumations aim to clarify the fate of the dead and the disappeared. Positive identifications and the recovery of human remains enable the bereaved to bury their dead and allow them to work through their loss. The painful past is put to rest, and the bereaved can make a new beginning through a mourning process that ends in closure; at least, this is commonly assumed. In this chapter, I will show that this understanding is based on four misconceptions that may hinder the ways people come to terms with the violent death or disappearance of loved ones.

First, disappearances do not inhibit mourning because facing the difficult reality of a missing relative or friend is already a process of mourning. Second, people construct meaningful lives despite the uncertainty of whether their missing loved ones are dead or alive. Third, if a death is confirmed and the body has received the proper funerary treatment, then closure is not the inevitable outcome of mourning because bereaved individuals may maintain ongoing

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relationships with the dead. Finally, personal mourning should not be confounded with social and national mourning.

I shall begin with a discussion of the mourning of dead and missing soldiers of the First World War to explain the differences and tensions between personal, social, and national mourning. The postwar monopolization of national mourning by the state provoked protests from civil society and marginalized the personal mourning of the bereaved. Throughout the twentieth century, states have directed the national memory of the dead and missing, and some even took possession of the corpses for political ends. This politics of national mourning violates the rights of the dead and the bereaved.

In the next section, I examine why people care for the dead and search for the missing. Forensic humanitarianism defines its mission as helping people to mourn their losses but narrowly interprets mourning as a process aimed at closure so that the mourners can get on with their lives, and nations are freed from the burdens of the past. Using illustrations from post-authoritarian Argentina, I will show that this emphasis on care is important for humanitarian assistance but is insufficient as an explanation for people's care for the dead and the missing. Care is a surface manifestation of an enduring attachment and trust among human beings, including forensic experts, which originates in the home. Care enacts a relationship between the dead, the disappeared, and the living rooted in their social attachment and trust and often continues after the mortuary rituals have been performed.

The final section demonstrates that mourning, at whichever level of social complexity, is directed at primary and secondary losses. Mourning is not exclusively focused on the dead and disappeared but also on having a meaningful life without the presence of the loved persons. Mourning is about people, groups, societies, and states finding a sense of existence in the wake of massive violence. I shall conclude that forensic humanitarian work should be sensitive to the potential conflicts between personal, social, and national mourning and that more attention should be paid to the relationship between the dead, the disappeared, and the living, which may end in closure but may just as well give continuous new meaning to life, death, and history.

8.2 The conflictive mourning of the dead and missing after the First World War

The soldiers who died or went missing during the First World War were regarded as martyrs, irrespective of the country for which they fell. The postwar creation of what George Mosse has called the Myth of the War Experience increased their martyrdom. The misery of trench warfare made way for the national

commemoration of a holy war fought by brave men. "The memory of the war was refashioned into a sacred experience which provided the nation with a new depth of religious feeling, putting at its disposal ever-present saints and martyrs, places of worship, and a heritage to emulate" (Mosse 1990, p. 7). Fallen British soldiers were resembled to Christ who was purified by his suffering and also sacrificed his life for humankind, and like Christ on Easter, the soldiers would rise from the grave on Resurrection Day. The military cemeteries were therefore hallowed places. However, they lacked the symbolic power of national shrines. For this reason, tombs of the unknown soldier were erected in 1920 in France and Great Britain that could unite people's personal sentiments. These tombs intended "to glorify the nation and the greatness of killing and dying in war" (Zambernardi 2020, p. 10).

Still, for all the worship and honor bestowed on the dead, there were many bereaved relatives who had never visited their deceased loved ones at some foreign graveyard or had been unable to bury them because the bodies had fragmented or were missing. National shrines acknowledged all war casualties, allowing relatives to mourn the dead and the missing collectively. Winter (1995) is right when he writes that the war memorials and annual commemorative ceremonies of the First World War gave collective meaning to the human losses and created a community of mourners consoled by their common fate. His conclusion that this collective mourning was instrumental in making people cope with their individual bereavement is, however, based on an unfortunate conflation of personal, social, and national mourning.

National mourning is orchestrated by the state. The state defines who, what, and how the dead and missing will be mourned and remembered. Monuments, memorial plaques, and commemorations are public forms of national mourning, but there are also less visible forms such as reparation payments, pensions, and the consignment of art works. The state may pursue policies of national reconciliation to end domestic and international animosities that may undermine the smooth functioning of economy and society.

These official measures may be contested by social groups whose interests are underrepresented or whose dead and missing are ignored in the state's national mourning. Social mourning is a group process of mourners who have a similar social attachment to the dead because of a shared marker, such as ethnicity, religion, political conviction, regiment, unit, city, and region. Their public initiatives might be at odds with the national mourning politics. For example, the grief of Australian mothers who lost their sons was officially acknowledged immediately after the First World War, but the bereaved women were increasingly marginalized from public commemorations as time passed because only fallen soldiers were honored for their sacrifice to the nation (Damousi 1999a). Another example of the tensions between social and national mourning is the differential

treatment of soldiers who died during and after the war. Australian servicemen who returned home wounded and then died were not considered to be war deaths, and their wives were not regarded as war widows. Both were excluded from the national commemorations of the First World War. Widows of the postwar dead did, however, receive recognition from community organizations of veterans and war widows who acknowledged their grief and provided support when needed. It would take till 1928 when the postwar dead were officially acknowledged by having their names added to Roll of Honour of the Australian War Memorial in Canberra (Larsson 2009).

The historian Jay Winter has suggested that national and social mourning can overlay personal mourning. He infers that people achieved closure after the First World War by displacing their grief on national shrines and finding consolation in official commemorative acts. Winter defines mourning as a process “of separating from the dead and beginning to live again” and writes that this “process of separation from the dead, of forgetting as much as remembering” is the central thesis of his much-cited book (Winter 1995, pp. 115, 224). Unfortunately, he confuses personal, social, and national mourning and uses an outdated conceptualization of personal mourning.

Personal mourning concerns the combination of an individual’s grief and the cultural ways of coping with bereavement. However, the term “bereavement denotes the social status of having lost someone, which may be a deceased or missing person; “Grief is a response to bereavement. It is how the survivor feels. It is also how the survivor thinks, eats, sleeps, and makes it through the day. . . . Mourning refers to the culturally patterned expressions of the bereaved person’s thoughts and feelings” (Kastenbaum 1977, pp. 242–244). The bereaved person wages an inner struggle about how to relate to the dead or missing loved person. One person’s coping with loss may differ greatly from the sense of loss experienced by a relative or friend who mourns the same dead person.

Several studies have shown that national mourning concealed rather than resolved personal mourning after the First World War. For more than a decade, British families visited military cemeteries in Belgium and France because the national memorials and commemorations didn’t satisfy their emotional needs (Jalland 2010). In Italy, commemorative pamphlets were printed for distribution among family, comrades, and friends. The small booklets contained obituaries, eulogies, and letters from officers and comrades who had witnessed the soldier’s death. These pamphlets were substitutes of the mortuary rituals that bereaved families had been unable to perform and indicated that people didn’t trust their dead to the state’s politics of national mourning (Janz 2009). In Germany, war widows didn’t wear the customary mourning garments in order to express their loyalty to the state and approval of the human sacrifices made to the nation. Privately, however, the emotions might break through their publicly cultivated

stoicism (Siebrecht 2014). In Australia, similar feelings of maternal sacrifice and stoicism were replaced by public protests against the state that increasingly ignored their enduring grief, while the proud Australian fathers who had imbued their sons with a sense of patriotism and manliness, and had encouraged them to enlist, bitterly mourned their deaths in private (Damousi 1999b).

The state's dominance over people's personal mourning after the First World War is relevant to forensic humanitarian action. Forensic teams must be aware of state authorities that try to employ human remains for political ends, as happened in Chile, Spain, and Cambodia. Chilean relatives were asked to bury the victims of Pinochet's military regime in a memorial at the General Cemetery in Santiago for the sake of national reconciliation (Robben 2015). The Spanish dictator Franco ordered the exhumation of tens of thousands of corpses of Nationalist and Republican soldiers that had died during the Civil War and interred them in the Valley of the Fallen memorial without obtaining permission from the relatives (Ferrándiz 2019). The Cambodian government erected communal memorials containing the skeletal remains of the victims of the Cambodian genocide against the wishes of relatives who wanted a Buddhist cremation (Kidron 2020).

The uproar about the treatment of human remains in countries as culturally diverse as Chile, Cambodia, and Spain suggests that the dead hold human rights because, as Moon (2014, p. 59) has pointed out: "they can be seen to be rights holders insofar as the living behave as if they have obligations towards the dead, treat them as if they have rights, and confer rights upon them in practice". Adam Rosenblatt is hesitant about conferring human rights on the dead and the missing but nevertheless concludes perceptively that withholding care is a violation of their rights. "The care that relatives and mourners offer a dead body, whether it takes the form of washing, cremation, viewing, or any other practice, cannot be carried out when the body is in a mass grave" (Rosenblatt 2015, p. 165). By extension, not only the dead have human rights but also the bereaved have the human right to mourn the dead, as I have argued elsewhere (Robben 2012).

Why is mortuary care so important for the living and the dead? The historian Laqueur (2015, pp. 5–10) has argued that people have a need to acknowledge the dead as deceased members of a community and humanize them through funerary rituals that differentiate them from animals as cultural beings. Laqueur builds on the seminal work of anthropologist Robert Hertz, who stated that a person's death is both a biological and a cultural fact that entails moral and social obligations from the living. "The body of the deceased is not regarded like the carcass of some animal: specific care must be given to it and a correct burial; not merely for reasons of hygiene but out of moral obligation" (Hertz 2018, p. 19). Rosenblatt (2015, p. 189) also gives central importance to care by arguing that forensic exhumations allow relatives to care for the dead: "The violence visited upon the dead bodies in a mass grave was an attempt to place them beyond the

reach of care. . . . Among the most important tasks of the forensic expert who exhumes bodies and objects . . . are the unearthing of these networks of affective connection and the expansion of opportunities for care”.

These are important and sensitive observations based on historical and empirical analyses. Yet, people are not born with care. Care is a manifestation of deeper lying social attachments nurtured in early childhood and extended later in life to others, including the dead and the disappeared. This nuance is important. If the ethics of forensic humanitarian action is defined solely in terms of providing care, then the cultural variation in the ways to satisfy the human rights of the dead, the disappeared, and the bereaved is ignored and may even be suppressed. What is proper humanitarian care can only be determined after understanding people’s social attachments and how these bonds influence their mourning of the dead and the disappeared.

8.3 Enduring bonds of the living, the dead, and the disappeared in Argentina

Forensic humanitarianism aims to restore the human dignity of the victims of political violence and provide emotional relief and closure to the bereaved by exhuming and identifying their remains. “For the families of the missing, the combination of lack of news and uncertainty about the fate of their loved ones amounts to unbearable suffering. The unresolved grief often remains active as long as ‘closure’ is not possible” (Tidball-Binz 2013, p. 341).² This understanding owes much to Freud.

Sigmund Freud argued that mourning requires grief work to overcome the initial disbelief of death. The bereaved fantasize that the loved ones have not died – they had seen them in good health only days ago or had talked to them on the phone just recently – but reality will prove them wrong. They must face the truth and slowly loosen the personal bond with the deceased. Bereaved persons may even contemplate suicide to join the deceased in their fate, but they will most often choose life over death and “sever [the] attachment to the object [i.e. the deceased] that has been abolished” (Freud 1955, p. 255). Influential theorists interpreted Freud as saying that severing the relationship between the deceased and the bereaved is essential to have a meaningful life again. Psychotherapists concentrated their counseling therefore on the acceptance of loss and untying the emotional relationship with the deceased and whatever reminded of them (Silverman and Klass 1996, pp. 7–14; Stroebe and Schut 1999, pp. 197–201; Valentine 2006, p. 60).

The disappearance of a loved person complicates the mourning process. The loss is hoped to be temporary, and the ongoing uncertainty confirms the denial

of death. Argentine parents who didn't find their disappeared sons and daughters in hospitals and morgues assumed that they were still in the hands of the military dictatorship. The belief that the disappeared were dead would be emotionally unacceptable because that would imply ending the search and mentally killing their loved ones.

The unsure fate of the disappeared caused different forms of mourning. Many relatives suffered from impaired mourning because they didn't want to accept that the person was dead. Others displayed anticipatory grief or chronic anxiety. They prepared themselves for the worst to come or felt unmoored from life because of the ongoing uncertainty. Feeling powerless, many searching relatives suffered from multiple psychological and psychosomatic problems such as depression, insomnia, and loss of appetite (Kordon et al. 1988). Still others assumed from the start that the disappeared were dead. This was the price of waging a revolution.

Increasingly more relatives resigned themselves to the inevitable during the first years of democracy when numerous anonymous graves were discovered, but a number of them still had difficulty coping with the loss. Argentine psychotherapists argued that the absence of a physical proof of death hindered the grief work: "one doesn't know what it is that one has to accept, and what the nature of the loss is. This has a destructuring effect on the psyche, and is confusing for the person who has to accompany this process of working-through. It is worth remembering that the presence of a corpse is an important element that helps a person to escape denial mechanisms when trying to work through a death" (Edelman and Kordon 1995, p. 107). This Freudian interpretation of the mourning process proved to be crucial in convincing an influential group of searching mothers to reject forensic exhumations.

In line with Freud's grief work hypothesis, the psychologists who assisted the Mothers of the Plaza de Mayo explained that the exhumation, identification, and reburial of the skeletal remains of the disappeared would provide emotional closure and dissolve their political drive to denounce the disappearances and the regime's perpetrators. The organization's president, Hebe de Bonafini, accused the Argentine government in 1984 of a scheme to undermine their activism by setting grief work in motion through exhumations and financial compensations: "What are you going to protest about when you accept the exhumations and the indemnification? In no way whatsoever do I want a dead body. What I want is the murderer!" (Diago 1988, p. 157). The group around Hebe de Bonafini began to interrupt forensic exhumations and demanded that the Argentine government make haste with prosecuting and convicting the perpetrators. Their resistance to the forensic exhumations was based on the belief that mourning would make the searching relatives leave the past behind: "Convert the mothers of the disappeared into the mothers of the dead. And so close the problem of the

disappeared" (del Rosario de Cerruti 1984, p. 2). She was wrong on both counts. Relatives who buried the remains of their exhumed loved ones didn't stop their political engagement but continued to protest the impunity of the Argentine military and police, and personal mourning didn't sever the relationship with the dead. The reason is that many people maintain an enduring bond with the dead, even though some may wish and succeed in achieving closure.

Psychological studies have shown "that the bereaved remain involved and connected to the deceased, and that the bereaved actively construct an inner representation of the deceased that is part of the normal grieving process" (Silverman and Klass 1996, p. 16). This inner representation reproduces a continuing bond that should not be diagnosed as pathological. Also, the sociologist Tony Walter has emphasized that mourners integrate the dead in their lives. "The purpose of grief is not to move on without those who have died, but to find a secure place for them" (Walter 1996, p. 20). People may cut their ties to the dead, but they may equally refashion the relationship, remembering them daily and maintaining inner conversations with the dead. Finally, the anthropology of death has shown that people in many societies forge enduring spiritual relations with their ancestors, including those who died violent deaths (e.g. Kwon 2006; Nelson 2008).

The violent death and disappearance of loved persons is painful to the relatives and friends because of their social attachment. Bowlby (1997, p. 371) defined attachment as follows: "To say of a child that he is attached to, or has an attachment to, someone means that he is strongly disposed to seek proximity to and contact with a specific figure and to do so in certain situations, notably when he is frightened, tired or ill". With the exception of neglectful homes and abusive parents, attachment creates in caregivers the disposition to cherish children and protect them from danger. They try to be near them as much and closely as possible and put the children's safety above that of their own (Weiss 1993, pp. 274–275). This protective urge is illustrated by the following case of an Argentine mother and son who were abducted together.

On April 15, 1976, five armed men forced their way into the house of Iris Etelvina Pereyra de Avellaneda in search of her husband, but he succeeded to escape. In response, the assault team abducted her and their 14-year-old son, Floreal. They were beaten and taken into the street. Iris related in 1985 at an Argentine court how she had clung to her son when they were hooded. "We had our hands free and instinctively I searched for those of my son but I didn't find them. I then raised my voice asking for him, and the police commissioner answered unwillingly: 'I'll bring him right now.' And, in fact, they put us together in the same vehicle. They put us in the back seat. My son squeezed my right hand as if to give me courage" (Pichel 1985, p. 2). Iris was tortured about her husband's hiding place and then granted three wishes before she was going to be

executed. "I asked him about my son, and he answered that I shouldn't ask anymore because 'We already tore your son to pieces'" (Pichel 1985, p. 3). After being released in July 1978, Iris learned that her son, Floreal, had washed ashore in Uruguay in May 1976. According to the autopsy report, he had died from impalement (Almirón 1999, p. 194; Feitlowitz 1998, p. 208).

Attachment differs cross-culturally. The mother–baby relationship is hegemonic in Western societies but not necessarily elsewhere. Cultures differ in terms of the meaning, importance, and closeness of the maternal bond. Small children may be raised by multiple caregivers who play different roles in the child's life. Biological mothers and fathers may maintain a greater social and physical distance than other caregivers. Caregivers and children may also communicate in more nonverbal ways and develop other notions of safety and independence than in the Western middle-class families on which John Bowlby based his attachment theory (Keller 2014; Quinn and Mageo 2013).

Attachment creates trust in the child, as the psychologist Erik Erikson explained: "The infant's first social achievement . . . is his willingness to let the mother out of sight without undue anxiety or rage, because she has become an inner certainty as well as an outer predictability" (Erikson 1963, p. 247). The infant is confident that the mother will return. This trust will also develop the mother's trust toward her child. The mutual trust continues into adulthood. Furthermore, the trust nurtured among family members will extend during childhood and adolescence to friends and other members of society. Trust gives them a fundamental sense of security, which allows them to engage in new relationships and feel at ease outside the home (Giddens 1991, pp. 39–40). This mature trust means that people suspend the doubt that relationships may go awry, that they may be betrayed and taken advantage of by others (Möllering 2006, pp. 109–111; Robben 2018, pp. 15–16). This leap of faith is based on each other's past behavior and future expectations. Frequent social interaction tests the mutual trust and calibrates the relationship.

Like attachment, trust and trusting relationships vary cross-culturally (Broch-Due and Ystanes 2016). In a comparative study, Peter Geschiere analyzed the ambivalent trust among family members who try to protect one another against witchcraft but also fear that one of them might be a witch. For example, the Maka of Cameroon believe that witches live in people's bellies and may change at night into spirits and animals to fly to a gathering of witches. The witches indulge in a cannibalistic feast to which participants contribute a family member. The victim will die the following day, unless a healer identifies the witch and succeeds in forcing him or her to lift the spell. This belief inserts mistrust in households and families. The knowledge that a family member may be devoured by witches is terrifying and all the more so if the witch is suspected to live in the household (Geschiere 1997, pp. 43–49, Geschiere 2013, p. 4).

Mourning a dead or missing person is thus a manifestation of attachment and trust. Attachment and trust have made the Mothers of the Plaza de Mayo do everything humanly possible for their disappeared loved ones, short of revenge. They held street protests during the dictatorship, endured repeated intimidation, and continued to risk falling victim to enforced disappearances, even after some of them were abducted, tortured, and assassinated. They opposed amnesty laws and presidential pardons and demanded truth and justice. The Grandmothers of the Plaza de Mayo tirelessly sought their stolen grandchildren and gave the impetus to DNA testing. These mothers and grandmothers inscribed the history of the disappearances into Argentine history.

People's care for the loved person's human remains is a consequence of the social bond cultivated during their lifetime together, which is often extended to group members and may be generalized to any human being. Carrying out culturally prescribed mortuary rituals and cooperating as a group to find disappeared persons express attachment and trust, which shows that the ways bereaved individuals cope with losses is influenced but not defined by social or national mourning.

8.4 Oscillatory mourning of the dead and the disappeared by the bereaved

Mourning is about coping with primary losses, either death or disappearance, and secondary losses, such as giving new meaning to one's existence and facing life's demands in the absence of the loved person. I draw here on the Dual Process Model of Coping with Bereavement, developed by Stroebe and Schut (1999), which I extend from mourning a death to mourning a disappearance. Mourning is not a linear process, according to these psychologists, but the bereaved's attention oscillates between two dimensions of personal mourning, namely, loss-oriented coping with primary losses and restoration-oriented coping with secondary losses. The term "restoration" doesn't imply that the bereaved's coping is successful, such as finding a new partner, but simply that mourners have to deal with challenges that they may or may not overcome. Even when bereaved persons cannot reconcile themselves with a human loss, they still need to carry on with their lives. People give a different individual weight to loss- and restoration-oriented coping. Some may be immersed in sorrow and only rarely find distraction, while others are busy running a single-parent household and avoid loss-oriented memories about the deceased. People may also suffer from emotional overload when the dual demands of loss and restoration are too great to carry, for instance, in the case of a dramatic drop in income and living standard (Stroebe and Schut 2016). Oscillated personal mourning doesn't necessarily

lead to closure because the bereaved may settle into active and emotionally stable bonds with the deceased or disappeared loved ones.

Social and national mourning is also characterized by oscillatory movements between loss orientation and, what I have called, recovery orientation because I reserve the term “restoration orientation” for personal mourning (Robben 2014). Social mourners may find comfort in coping with their losses together and can organize themselves to pursue humanitarian and political goals. Whether searching relatives are personally grieving permanently over the disappearance of their loved one, suffering from impeded mourning, or resigning themselves to disappearances as the inevitable cost of a social revolution – as happened in Argentina – they may still unite their protest voices against the state.

How Argentine family-based and human rights organizations tried to achieve their objectives differed between and within these organizations. Internal disagreements had far-reaching consequences for the members because the loss-oriented and recovery-oriented oscillations of social mourning influenced their personal mourning, as is illustrated by the following conflict.

In March 1985, an Argentine judge ordered the opening of three anonymous graves in the city of Mar del Plata. The graves contained the skeletal remains of three disappeared persons. The relatives of two of them favored the exhumation, but the mother of the third person, who was presumably her daughter, was against. She belonged to a faction of the Mothers of the Plaza de Mayo that rejected forensic exhumations as a government ploy to individualize the mourning of what was regarded as a collective loss that deserved social mourning. Hebe de Bonafini, the family-based organization’s president, stated that the Mothers “don’t accept either anthropologists or scientists from anywhere else in the world to come and tell us that the packages of bones are our children” (Gorini 2008, p. 308). The Argentine Forensic Anthropology Team entrusted with the exhumations respected the mother’s wishes and withdrew from the gravesite (Robben 2018, p. 209).

The disagreement about forensic exhumations ran so high in 1986 that the Mothers of the Plaza de Mayo split into two groups. Both associations continued to demand truth and justice from the Argentine state, but one group collaborated with forensic anthropologists to find their disappeared children and bury the remains, while the other group opposed the exhumations and sought psychological counseling to help them with their individual bereavement and cope with the emotional cost of giving up the search.

Dependent on the government in charge, Argentina’s national mourning oscillated between attention to primary losses or loss orientation and secondary losses or recovery orientation. The national loss orientation was directed at the disappeared, the perpetrators, forensic exhumations, and the active remembrance of the dead and disappeared. The national recovery orientation dealt with

the tensions in post-authoritarian Argentina, in particular the coexistence of the military and civil society, the memorialization of the violent past, and the reparation of losses suffered by ex-disappeared, bereaved relatives, and political refugees. Some governments focused their policies more on loss orientation than on recovery orientation, and vice versa. Due to these oscillations, the bereaved and their organizations came to mistrust the state, a suspicion that had been set in motion by the military regime.

Before handing over power, the transitional military government called in April 1983 on the Argentine people to forget about the violent past and look toward the future. This was at a time of rising street protests by the human rights movement and the labor unions. The junta admitted that the disappeared were an open wound in Argentine society that could not heal without resolving the fate of the disappeared and decided to pronounce them dead: "it must be absolutely clear that those who appear on the lists of the disappeared and who are not in exile or in hiding, are considered dead in legal and administrative terms, even though the cause and occasion of their unexpected death or the place of their burial cannot yet be determined" (Militar 1983, p. 13). In addition, the transitional military government issued in September 1983 a Law of National Pacification that freed officers and guerrillas from being prosecuted for violent acts committed between 1973 and 1982. With these loss-oriented and recovery-oriented measures, the departing dictatorship hoped that the searching relatives would mourn the death of the disappeared, and the Argentine people would reconcile over a violent past that was dividing society.

The democratically elected government of Raúl Alfonsín was installed in December 1983. The Argentine Congress immediately derogated the junta's amnesty law intended to pacify the country, and the government created a truth commission to examine the fate of the disappeared. These two loss-oriented measures were taken to calm the human rights movement. The government also tried to appease the military with the recovery-oriented proposal to prosecute only commanding officers because the lower ranks had only obeyed orders. This national mourning strategy backfired. The truth commission concluded in September 1984 that there were at least 8960 disappeared persons. They were all dead, as the military had claimed in April 1983, but there were 172 kidnapped babies and infants that were probably living in families of military and police officers (Robben 2005, p. 321).

The human rights and family-based organizations were shocked. They emphasized that there were 30 000 disappeared and that the government should actively search for the stolen children. Furthermore, an opinion poll revealed that a majority of the Argentine people wanted to bring all perpetrators to trial, high- and low-ranking, military and police. In an additional loss orientation, the organizations kept the remembrance of the disappeared alive with street marches

and eyewitness accounts of torture and assassination. The Alfonsín government gave in to the public pressure and adjusted its national mourning policies away from its earlier recovery orientation. It focused now principally on documenting the military's crimes against humanity, exhuming anonymous graves, and prosecuting all suspected perpetrators. The recovery orientation was reduced to undoing repressive administrative measures by the military dictatorship, such as the reinstatement of dismissed state officials and employees of banks, hospitals, schools, and universities. The state's national mourning came to resemble the social mourning of the human rights movement that supported loss- over recovery-oriented measures.

The prosecution of the military reached its high point with the conviction of five junta members who had ruled Argentina between 1976 and 1982, including the infamous General Videla and Admiral Massera, who were given life sentences. Encouraged by this trial, hundreds of officers were accused of gross human rights violations. However, the prosecution of officers who had followed orders was unacceptable to the armed forces, while President Alfonsín feared that the prospect of hundreds of lengthy trials and appeals would destabilize the budding democracy. In 1986 and 1987, he succeeded in passing two laws through Congress that gave amnesty to the indicted officers, except if they had been involved in the kidnapping of babies and small children. These amnesty laws were a notable shift from loss orientation to recovery orientation.

President Alfonsín was replaced in July 1989 by President Carlos Saúl Menem, who decisively embraced a recovery-oriented strategy, determined to reduce the attention to loss orientation and finally reconcile Argentina "to heal without much ado the bleeding wound of the Argentine body" (Pisani 1990, p. 7). Vice-President Eduardo Duhalde added: "We have to occupy ourselves with the human rights of the living to be able to bury the past, and dedicate ourselves 24 hours a day to the present and the future" (Granovsky 1989, p. 6). Menem issued a presidential pardon in October 1989 that benefited hundreds of officers and former guerrillas. Moreover, he pardoned the incarcerated junta commanders in December 1990, despite massive street protests and opinion polls that showed little support. Finally, after nearly a decade of resistance by the human rights movement, the Argentine Congress adopted in 1992 and 1994 reparation laws that offered financial compensation to former political prisoners and relatives of the disappeared.

The human rights movement was outraged by the government's reparation policies and the state's impunity of the perpetrators. Yet, it failed to mobilize substantial protest crowds because the Argentine people accepted the official shift from loss-oriented to recovery-oriented national mourning. Memory became now a major focus of the human rights movement's social mourning and no longer the loss-oriented remembrance of the disappeared through street

demonstrations and public testimonies. The recovery-oriented memorialization was undertaken to turn Argentina's enforced disappearances and the military's state terrorism into indisputable historical facts that were impressed on the Argentine people with annual commemorations, memorials, and memory sites. Again, the Mothers of the Plaza de Mayo were divided over this oscillatory change to restoration orientation, as they had over the forensic exhumations. The two associations continued with their weekly marches before the presidential palace in Buenos Aires, but the group around Hebe de Bonafini argued that memorialization interred the active remembrance of the disappeared into ritualistic commemorations and petrified sites of memory. The other group and most human rights organizations supported the move from remembrance to memorialization.

Unexpectedly, Argentina's social and national mourning shifted in 1995 from recovery orientation to loss orientation after retired Navy Captain Adolfo Scilingo admitted to having thrown dozens of disappeared Argentines into the Atlantic Ocean. Scilingo's confession resulted in an oscillation from recovery-oriented memorialization to loss-oriented remembrance and retribution. The relatives of the disappeared came to the shocking realization that the remains of their disappeared loved ones would never be found, and the human rights movement renewed its efforts to prosecute perpetrators. President Menem tried to stay the course of social peace by discrediting Captain Scilingo, but he could not stop the public outcry.

The state's national mourning reached its tipping point in 1998 when Argentina's Army Commander, General Balza, declared that babies and infants had been routinely separated from their captured parents and given up for adoption. The military could now be prosecuted on new charges. General Videla, Admiral Massera, and dozens of officers were detained for kidnapping. The human rights movement's opposition to the state's national mourning policies grew through the years. The amnesty laws of 1986 and 1987 were successfully contested in several court cases and finally overturned in 2005 by Argentina's Supreme Court. In 2007, the Supreme Court also declared the presidential pardons of 1989 and 1990 as unconstitutional. The revived criminal trials began in 2006. General Videla was convicted in 2010 once more to a life sentence. A court ruled in 2005 that Admiral Massera was incapable to stand trial due to poor health. He died in 2010. By March 2021, 45 years after the military coup d'état of 1976, 1025 persons were serving their sentences in prison or under house detention, and 618 persons were still under indictment.³

Social and national mourning became balanced processes by a continued recovery-oriented memorialization and a resurgent loss-oriented remembrance. The Argentine state approved several memorialization proposals from the human rights movement: a Memory Park (1998) containing a memorial wall with the names of the disappeared; a national Day of Memory (2002); a Memory Institute

(2002); a memorial museum at a former Navy torture center (2004); and around 200 memory sites in the city of Buenos Aires by 2009. Nevertheless, the Mothers of the Plaza de Mayo, presided by Hebe de Bonafini, continued to oppose the memorialization efforts: "The Mothers do not want a monument that becomes a cemetery to bemoan our dead" (Vecchioli 2000, p. 53). This group persisted in the weekly marches at the Plaza de Mayo that kept the remembrance of the disappeared alive. Other manifestations of active remembrance were the street happenings by the children of the disappeared that exposed the domiciles of perpetrators. These happenings aimed at ostracizing them from their neighborhoods and to attract media attention. In the same period, there were crowd protests that demanded the prosecution not only of the military and police but also of companies that had collaborated with the dictatorship.

This summary of the mutual influences of personal, social, and national mourning in Argentina and the oscillations between loss orientation and restoration/recovery orientation in each of them, demonstrates that humanitarian forensic exhumations must not focus purely on the bereaved relatives and their culturally distinct mortuary rituals but require a comprehensive understanding of the oscillating dimensions of mourning. Conflicts within social movements about the desired direction of social mourning and political changes in the state will affect how people cope with their primary and secondary losses and how their personal coping with bereavement will influence their involvement and resistance to the oscillations of social and national mourning.

8.5 Conclusion

Forensic humanitarian work is conducted under the assumption that bereaved people need to conduct grief work to loosen the emotional tie to the dead and achieve closure and that the relatives and friends of missing persons will be unable to mourn as long as they cannot bury their human remains. This chapter has argued instead that people may transform their relationships with the deceased or missing victims of political violence into enduring bonds. The ways in which people relate to the dead and the disappeared is culturally dependent. Ending the relationship is not a universal requirement for the bereaved's mental and physical health but only one of many forms of mourning.

Forensic humanitarian practitioners are sensitive to cultural variations in caring for the dead and the bereaved but should also acquire knowledge about people's notions of trust and attachment to carry out effective humanitarian work. How corpses are exhumed and what will be done with the human remains have different consequences for the bonds of the living and the dead. Although attentive to the conflicting interests of various stakeholders, current forensic

humanitarian practices require a better understanding of personal, social, and national mourning as different processes of coping with violent death and disappearance. Mourning by the bereaved should not be conflated with the mourning process of a community or a state. People's personal mourning is defined by their intersubjective relationship with the dead or disappeared and the oscillation between loss-oriented and restoration-oriented coping with bereavement, whereas communities, and especially states, have social and political concerns in mourning the dead and the missing and are characterized by oscillations between loss orientation and recovery orientation.

Mourning the dead and searching for the disappeared are manifestations of social attachment and trust. People trust that their loved ones will not abandon them when they die or are missing because of their deep attachment. The living are expected to be loyal to the dead. They trust that their relatives and friends will mourn them, bury them, attend their funeral, and remember the times spent together, just as disappeared persons trust that people will search for them. To be mourned is a human right because the dead, the disappeared, and the bereaved have the right to continue their relationship after death or disappearance and enact the trust that was nurtured between them during their lives together.

Notes

1. The term "forensic humanitarianism" has been coined by Moon (2014).
2. This statement is accompanied by a graphic representation of the stages of coping with a disappearance, namely, denial, anger, guilt, and grief. It resembles the highly influential but debunked stage model of mourning developed by Elisabeth Kübler-Ross (Stroebe et al. 2017).
3. Procuraduría de Crímenes contra la Humanidad. 2021. A 45 años del golpe de Estado, suman 1025 las personas condenadas por crímenes de lesa humanidad en 254 sentencias. <https://www.fiscales.gob.ar/lesa-humanidad/a-45-anos-del-golpe-de-estado-suman-1025-las-personas-condenadas-por-crimenes-de-lesa-humanidad-en-254-sentencias/>; accessed on August 30, 2021.

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