

BOOK REVIEW

Jonas Bens. *The Sentimental Court: The Affective Life of International Criminal Justice*. Cambridge: Cambridge University Press, 2022. 233 pp. Maps. Notes. Bibliography. Index. \$99.99. Paper. ISBN: 978-1316512876.

In *The Sentimental Court: The Affective Life of International Criminal Justice*, Jonas Bens challenges the view that international criminal law is designed to keep emotions at bay. Instead, he argues, “affect and emotions in international criminal law are hidden in plain sight. They are everywhere, clearly visible, obtrusive even, but one has to learn how to see them” (3). Drawing on extensive ethnographic fieldwork—both during the trial of ex-Lord’s Resistance Army commander Dominic Ongwen at the International Criminal Court’s (ICC) headquarters in the Netherlands, and at different atrocity crime sites in rural northern Uganda—Bens exposes how affect and emotion can influence international criminal justice.

Part I explores how prosecutors and ICC officials use the law to purposefully create, mobilize, shape, and transform atmospheres, which Bens defines as “the overall ‘feel’ or mood that unfolds at a specific time and place” (38). Drawing on affect theory—a strand of scholarship from philosophy, cultural studies, and queer studies—Bens argues that actors can arrange and relate persons and things in specific ways so that the overall arrangement conveys a certain feeling. He showcases how this works in practice at the ICC. Chapter 1 specifically explores a day in the pre-trial proceedings against Dominic Ongwen. Bens’ observations demonstrate that the courtroom—far from representing an emotionless, neutral space in which rational law is allowed to unfold—represents a sort of stage for lawyers. Bens deftly describes how the prosecutor deliberately deployed audio, visual, spatial, and discursive material to create an “intense atmosphere” that perhaps helped them to secure Ongwen’s conviction (29).

In Chapter 2, Bens takes the reader to Abok, northern Uganda, for a two-day ICC outreach event involving a public screening of Ongwen’s trial. An ICC outreach official interviewed for the study explained her office’s role as one of “objectively inform[ing] the public” and “put[ting] emotion aside” (9). Yet, as Bens’ descriptions of the outreach event show, these events ultimately succeed or fail based on how effectively officials create a relational arrangement in which the ICC’s mode of bringing about justice feels just. On the first day of the outreach event, hundreds of attendees appeared bored and ultimately left early. Bens attributes this outcome to several factors: the failure of ICC’s officials to secure a translated, live feed of the legal proceedings; the late arrival of one of the only white attendees—the ICC registrar; and poor responses on the part of ICC officials to questions from the audience. On the second day, however,

participants “were calm and serious; the mood was tense” (65). Bens attributes this “tense” mood to outreach officials’ success in ensuring that the audio feed of the proceedings and case information sheets were in the Acholi language; the absence of high-profile (white) ICC officials; and a much smaller audience.

Part II turns to the role of sentiment in international criminal justice. Bens argues that plausibility, objectivity, and justice—bedrock concepts of legal theory and practice—are sentiments that are actively produced by actors in and beyond the courtroom. More specifically, plausibility—which courtroom actors seek to manipulate through affective framing—helps people assess the truth of an event or an action by and through affect and emotion. Courtroom actors also try to successfully establish an “objective” version of the past by manipulating affective arrangements to their advantage. People in northern Uganda also navigate the different justice options before them—whether suspected war criminals should be tried at the ICC, in Ugandan courts, under customary law in Uganda, or be forgiven—as “feeling bodies” who “probably find those normative orders legitimate that seem to further the kind of justice that they imagine for a particular situation” (127).

Part III looks at the role of atmosphere and sentiment in international justice efforts. In Chapter 6, Bens argues that in the debate over the legitimacy of the ICC’s involvement in Africa, there are different indignation regimes at work, ranging from the anti-colonial struggle to the refusal to accept violent regime change against democratic rules. “All of these indignation regimes stabilize sentiments...and imply moral communities that one can align oneself with. No legal and political judgment can be understood in their subjective dimension without taking them into account” (162). The debates over the ICC’s legitimacy are thus “struggles over whose emotions are allowed to come to the fore and what form these emotional utterances are allowed to take” (18). The final chapters challenge the reader to decolonize “modernity not only by realizing that the West is no more rational than the Rest, but also by questioning whether rationality, at its core, is really any more independent of subjective feeling than emotion” (170).

This book makes a timely and original intervention in the study of international criminal justice. One potential weakness of the book is that at times it is difficult to follow the thread of the author’s argument. This stems in part from the fact that some of the key analytical terms are not either clearly or consistently defined (for example, “affective arrangement” and “transitional justice”). Additionally, Bens frequently asserts, but does not fully explain, why some affective frames or arrangements are more effective than others. Nonetheless, the book is a unique and much-needed contribution to our understanding of how affect and emotion can influence the work of, as well as our reactions to, the ICC.

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