

## **HISTORIES OF INNOCENCE: POST-WAR STORIES IN PERU**

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On November 1, 2006, Peruvian president Alan García announced he would be proposing a new law that would include the death penalty as one sanction for terrorism in the Penal Code. As he argued, “We are not going to allow Shining Path to return and paint their slogans on the walls of our universities. Once this law is approved, anyone who commits the serious crime of terrorism will find themselves facing a firing squad. A war forewarned does not kill people.”

As one might imagine, García’s comments sparked intense debate in Peru, a country in which a series of democratically elected governments waged a twenty-year war against terrorism.

President García himself presided over one of those previous administrations from 1985-1990, and he would subsequently be named as one of the political leaders alleged to have abdicated democratic authority in an effort to finish terrorism by whatever means necessary.

In their 2003 Final Report, the Peruvian Truth and Reconciliation Commission determined that the country’s twenty-year war on terror resulted in the greatest loss of human life and resources in all of Peru’s history as a republic. However, listening to President García three years after the TRC completed its work, I did not hear *Nunca Más*; rather, his words provoked a disturbing sense of déjà vu.

In this chapter I want to reflect upon certain legacies of Peru’s war on terror — and to consider some of the legacies of the Truth and Reconciliation Commission that was established to

investigate that bloody period of violence, to determine responsibility for human rights violations, and to make recommendations that would promote “sustainable peace and national reconciliation.” I am motivated by three main concerns: What are the consequences of Peru’s war on terror, and how did these consequences inform both the truth the TRC was able to tell, as well as the “communal memory projects” people have forged in former Shining Path strongholds? How does the “logic of innocence” affect individuals, collectives, and political life following the internal armed conflict? Finally, I consider the contentious politics of victimhood and reparations in post-truth commission Peru.

### **An Uncivil Democracy**

“Many are called but few are chosen....We must know how to die fully conscious of what we are doing because, in fact, we are going to die.” (Shining Path militant, diary entry from March 1985)<sup>2</sup>

From 1980-1992, an internal war raged between the guerrilla group *Sendero Luminoso*, the *rondas campesinas* (armed peasant patrols), and the Peruvian armed forces. Founded by Abimael Gúzman, the Communist Party of Peru-Shining Path (*Sendero Luminoso*) began its campaign to overthrow the Peruvian state in 1980 in an attack on the Andean village of Chuschi. This band of revolutionaries positioned themselves as the vanguard in a revolution to guide the nation toward an imminent communist utopia (Degregori 1990; Stern 1998). Drawing upon Maoist theories of guerrilla warfare, they planned a top-down revolution in which the cadres of *Sendero Luminoso* would mobilize the peasantry, surround the cities, and strangle the urbanized coast into submission. However, the relentless march toward the future was doubly interrupted:

the initial governmental response was a brutal counter-insurgency war in which “Andean peasant” became conflated with “terrorist,” and many peasants themselves rebelled *against* the revolution (Starn 1995).

In response, the Peruvian government declared a far-reaching state of emergency and sent the military to control SL’s terrorist violence with brutal counter-insurgency strategies resulting in massive and indiscriminate violence against the rural Quechua-speaking and Ashaninka populations (TRC 2003; Theidon 2004; Manrique 1989). In addition to army troops and special counterinsurgency forces (*Sinchis*), numerous paramilitary groups secretly carried out the government’s anti-terrorist campaign at the margin of the law (TRC 2003; Laplante 2007). Rural communities did not passively remain “between two fires”; rather, some communities sided with Shining Path while others formed government supported self-defense committees (*rondas campesinas*). The violence escalated dramatically and lethally.

While each new administration sought to control the terrorist threat, authoritarian leader Alberto Fujimori’s (1990-2000) draconian measures not only appeared to defeat terrorism but also subjected the population to violent—albeit more selective—repression. In 1992, Fujimori enacted a series of executive anti-terrorist decrees as part of his National Emergency and Reconstruction government. These laws led to massive detentions and the routine use of torture. The many defects in the legislative design of the anti-terrorist legislation provoked vociferous national and international outcry due to the grave violation of fundamental individual rights (Laplante 2007). Stripping away due process protections, these laws permitted arbitrary arrest, ex-communicado interrogation, denial of habeas corpus, conditions that permitted mistreatment and torture to elicit coerced confessions,

“faceless” (masked) judges, military trials, and limited or no opportunity for an adequate defense. Convictions were often based solely on police assertions, coerced confessions, or the uncorroborated testimony of detainees “naming names” in hopes of a reduced sentence (IDL 1995: 52-68; Laplante 2006b). An estimated 20,000 people were jailed during this period on not much more than a rumor, a grudge, or a declaration given by a torture victim in hopes the pain would stop. Long after the arrest of Abimael Guzmán and the military defeat of SL in 1992, the specter of terrorism was used to justify authoritarian measures, leading one of Peru’s foremost public intellectuals to note that Fujimori won the war — it was the *post-war that defeated him* (Degregori 2006).<sup>3</sup>

Peru’s political transition was abrupt and prompted more by elite and middle class concerns with corruption than with human rights violations (Theidon 2004). As thousands of “Vladivideos” surfaced— the name referring to the head of Peru’s Internal Intelligence Unit, Vladimiro Montesinos — the rampant corruption of Fujimori’s administration became undeniable. In video after video, Montesinos was seen paying bribes to elected officials, and to members of the entertainment, financial, and business communities. Fujimori fled the country in November 2000, seeking refuge in Japan. A transitional government was subsequently appointed under the direction of Valentín Paniagua, who seized the opportunity to address the human and institutional damage caused by the internal armed conflict by forming the Truth and Reconciliation Commission in July 2001. Established by executive decree, the TRC’s mandate included “the clarification of the process, acts and responsibilities” of terrorist violence and human rights violations, such as forced disappearance, torture and grave lesions, assassinations and kidnapping, among others.<sup>4</sup>

The TRC labored for two years, holding thirteen public audiences, collecting testimonies, reviewing studies, consulting experts, and reading CIA documents, among other “truth-gathering” methods. Unlike other truth commissions, Peru’s investigations included the identification of criminal responsibility, since the Inter-American Court of Human Rights had annulled Fujimori’s 1995 amnesty laws (Laplante 2007). The brunt of its work relied on 16,917 testimonies, collected primarily from victims (Theidon 2003a). The Peruvian TRC also proposed the Program of Integral Reparations (PIR), one of the most comprehensive reparations programs to date (Guillerot 2006; Laplante and Theidon 2006). The PIR was designed to reaffirm the dignity of victims, offering hope for the future despite the loss of loved ones or the disruption of life projects, and explicitly linked the PIR to the goals of sustainable peace and the promotion of national reconciliation.

It was on August 28, 2003 that the Commissioners of the Peruvian TRC submitted their Final Report to President Alejandro Toledo and the nation. Peru thus joined the growing list of countries that have implemented truth commissions as a means of transitioning from a period of armed conflict and authoritarian rule towards the founding of a procedural democracy.

However, while joining a growing trend, Peru also presents a series of exceptions. Peru was a triumphant state: there were no negotiations with the guerrillas of Shining Path because the leadership was largely incarcerated and the movement militarily defeated. Thus the TRC was not a component of a peace process between opponents locked in a stalemate.

Additionally, the findings of the commission are striking. Of the deaths reported to the TRC, 54% were attributable to non-state actors, in particular to the guerrillas of *Sendero Luminoso*. Without

minimizing the brutality of the armed forces, this figure points to a high level of civilian participation in the killing. However, while most Shining Path leaders are in jail, many community level militants are not, having been either released from prison or never incarcerated. They live on the margins, shunned by a society in which the subject of “subversion” remains taboo. Despite the country’s massive truth-seeking effort, there is scant political or discursive space in Peru to explore *why* so many people joined SL and remained sympathetic to the movement even under military repression.

Indeed, Shining Path remains monolithically demonized in Peru in contrast to other Latin American countries in which insurgent or guerrilla movements were perceived by many people to be fighting for social justice — and at times eventually assumed legitimate political roles. Among the factors that explain this difference is the context in which SL began its armed struggle: Peru was not ruled by a military dictatorship, but rather by a democratically elected civilian government. Additionally, although the original ideological discourse appealed to principles of social justice and equality, Shining Path militants became increasingly authoritarian and lethally violent, unmatched by any other armed Leftist group in Latin America.

However, I insist on disaggregating the category “terrorist” to reveal the vast variation in motivations, actions and intent. The image of the “terrorist” is a key figure that organizes political discourse and action in our contemporary world. Yet, beyond the abstract image of the terrorist — that free-floating signifier — what is the work of this figure in particular historical and political contexts? In the Peruvian case, this is an ethnically-saturated category.

Over the years I have participated in many social protests in Ayacucho, and one could trace recent history in part through the changing slogans and banners people have carried as they marched around that quintessentially public space, the central plaza of Huamanga. In 2001, as the truth commission was gearing up, a group of men and women of diverse ages entered the plaza beneath a carefully hand-lettered sign: “*Señor Vargas Llosa, no hay salvajes aquí*” (Mr. Vargas Llosa, there are no savages here). The protesters were referring to an earlier government commission sent to Ayacucho, presided over by the Peruvian novelist Mario Vargas Llosa.

### **The “Savage Slot”**

It was January 1983, early in the course of Peru’s internal war, when eight journalists from Lima’s leading newspapers headed out for the highland village of Huaychao, located in the department of Ayacucho. The men had arrived from Lima to investigate rumors that the “Indians” had been killing the *Senderistas*. In 1983 the war in the interior still had an enigmatic quality for many residents of Lima, due to the profound cleavages that characterize Peru. Indeed, in part because the war was still a mystery to many urban Peruvians, the journalists fashioned their trip as an expedition in search of the “truth.”

They spent the night in the city of Huamanga before heading out at dawn for the lengthy trip to Huaychao. Their route took them through Uchuraccay, where the journalists arrived in the village unannounced, accompanied by a Quechua-speaking guide. Although the sequence of events still prompts feverish debate, the photos taken by one of the journalists as he and his friends were dying established one thing: The villagers surrounded the journalists and began

killing them with rocks and machetes, convinced they were under attack. The bodies were then buried in shallow graves in the ravine that runs the length of the village.

At the national level, the events at Uchuraccay marked the initiation of the war in the highlands, and thus the journalists' deaths became an intensely debated national theme. Although *Sendero Luminoso* had initiated their armed struggle three years earlier, and the armed forces had been sent to Ayacucho a month prior to the killings to begin the counter-insurgency campaign, until Uchuraccay the violence had not captured significant national attention. However, the photos that were subsequently developed from the camera that had been buried with journalist Willy Retto would be placed on the cover of every major Peruvian publication, constructing a “mediatic spectacle of political violence” (Peralta 2000) that would become one of the emblematic national memories of the war.

In the aftermath of the killings, President Fernando Belaúnde established an investigatory commission to determine what had happened and why. Headed by the novelist Mario Vargas Llosa, the commission was composed of three anthropologists, a psychoanalyst, a jurist, and two linguists who were sent to study Peru's “ethnic other” and the circumstances of the journalists' deaths. The three anthropologists were well-known and respected members of the academic community, and were included on the basis that anthropologists specialized in the study of “indigenous communities.” And so the Commission members accepted their charge, and headed via helicopter to Uchuraccay, where they spent one morning investigating the killings as background for their final report.

In their report, the *Informe de la Comisión Investigadora de los Sucesos de Uchuraccay*, the authors offered a “hierarchy of causes” (truths?) that revolved around two key explanatory factors: the primitiveness of the highlanders, who allegedly lived as they had since the time of the conquest, and the intrinsically violent nature of the “Indians” (Vargas Llosa, et al. 1983). Drawing upon a substantial body of literature emphasizing the “endemic violence of the Andes” and “*la rabia Andina*” (Andean rage), the members of the commission attributed the killings to the pervasive “culture of violence” that allegedly characterizes these villagers. In the widely circulated *Informe*, the Commission suggested that one could not really blame the villagers — they were just doing what came *naturally*. The image of the intrinsically violent ethnic “other” is a remarkably resilient archetype in the *dramatis personae* of war.

In underscoring the role of cultural incommensurability as the real culprit, the authors stated that the death of the eight journalists provided the most conclusive evidence that even after 400 years of contact between European culture and Andean culture, it had still not been possible to develop a true dialogue (Vargas Llosa et al 1983:77). They grounded their findings in the assertion that two irreconcilable worlds coexist in Peru: modern/civilized/coastal Peru, with Lima as its center, and the traditional/savage/archaic Peru, mapped onto the highland communities, particularly Ayacucho. Somehow, in a perverse twist on Murra’s concept of *pisos ecológicos* (ecological niches), civilization had never found a way to scale up the steep mountain slopes of Peru’s interior (Murra 1975).

Indeed, in a subsequent interview with the journal *Caretas*, Vargas Llosa elaborated on the notion of “the two Perus” consisting of “men who participate in the 20<sup>th</sup> century and men such as

these villagers of Uchuraccay who live in the 19<sup>th</sup> century, or perhaps even the 18<sup>th</sup>. The enormous distance that exists between the two Perus is what lies behind this tragedy.” As such, these highland villages were akin to museum exhibits, frozen in time and placed outside of history, resulting in an “Andean world that is so backwards and so violent” (*Caretas* 1983: 28-34, author’s translation). .

Thus the TRC was not the first commission to arrive from Lima seeking the “truth” about violent events, and the Ayacuchanos assembled in the plaza in 2001 were serving notice: there would be no “savage slot” this time around. Yes, there would be a reworking of the social imaginary; unfortunately, the “savage” would cede to the “terrorist.”

### ***Los Rezagos del Terrorismo: The Ashes of Terrorism***

In Peru’s 2006 presidential elections, the same poor and marginalized population that embraced SL’s revolutionary discourse massively supported the extreme populist Ollanta Humala and his nationalistic rhetoric. These elections alarmed the powerful urban elites, provoking weeks of anxious commentary in a country still divided along racial and class lines. Despite avoiding the “close call” of Humala’s near victory, 2007 was a tumultuous year in Peru due to nationwide social protests involving thousands of rural Peruvians demanding to share in the benefits of Peru’s growing economy. However, President Alan Garcia consistently denounced the protesters as being pro-SL terrorists in a blatant attempt to delegitimize the protesters’ grievances. Thus even though Peru appears as a “success case” in recent texts on counterterrorism strategies (Richardson 2006; Heiberg et. al. 2007), the manner in which the government defeated SL has not resulted in “closing the books” on recent history (Elster 2004). Rather, one legacy of the Peruvian war on terror is a

polarized and divided society in which demands for social justice — the expression of legitimate political claims — are frequently denounced as the “rekindling of the ashes of terrorism” (Del Pino and Theidon 2000). In a political strategy familiar from other Latin American contexts, García has followed Fujimori in justifying repressive tactics as part of “national security” and “defense of La Patria” against terrorists, playing the “fear card” designed to ensure the public condones potential “excesses and errors” (Feitlowitz 1999; Robben 2004).

The examples are abundant, but I limit myself to just one. In 2006, university students in Ayacucho took to the streets to protest an increase in university fees. For years the national media, when covering these protests, had produced images that made the events I routinely participated in unrecognizable to me. On the cover of the newspapers, selected images would sensationalize the protests, focusing on a few riled up young people who remained isolated from the majority of the protesters. These young, brown, Ayacuchano faces would be splashed on the front pages, implicitly — and at times explicitly — suggesting the “ashes of terrorism” were rekindling. Thus when students marched into the central plaza in 2006, they carried a banner prominently unfurled above their heads: “We are university students, not terrorists.” They were attempting to control the circulation of their images, fully aware of how they might be manipulated in the ongoing polarization of public debate in Peru. Despite its laudable efforts to provide a public forum for those whose voices had been historically excluded, the TRC perpetuated certain silences.

### **Commissioning Truth, Constructing Silences**

Truth commissions emphasize the “recovery” and “telling” of truth in response to regimes in which state actors maintained control through enforced silence and the denial of violent repression (Cohen

2001; Hayner 2000). These commissions have become part of a global trend for demanding the truth in societies emerging from violent conflict or authoritarian rule (Kelsall 2005: 362). In the earliest truth commissions, the primary perpetrator of violence and terror was the state, which contributed to constructing the binary identities of “victim” and “perpetrator.” Framed by this binary, truth commissions tend to replace the adversarial character of criminal proceedings with a “victim-centered” approach emphasizing empathic listening to private and public testimonies that catalogue atrocities inflicted on “innocent victims” (Hayner 2001; Minow 1998; Theidon 2007). A collective narrative emerges that proves systematic violations of human rights and tend to foreground suffering rather than protagonism, thereby forging a sense of “traumatic citizenship” as a leveling device (Theidon 2003b). Truth commissions develop victim typologies: these victim categories establish discursive space and subject positions from which people speak. Testimonies of perpetrators usually figure into the truth seeking process when confessions are exchanged for amnesties, such as in South Africa and various Southern Cone countries (Wilson 2001; Feitlowitz 1999).

This truth seeking usually occurs within sensitive political contexts and amidst polarized positions and group identities. In the Peruvian case, one particularly tense moment during the TRC occurred when one of the commissioners, Sofia Macher, referred to Shining Path as a political party. The media seized upon this statement, excoriating the TRC for being sympathetic to terrorists. The controversy was so vitriolic that the president of the TRC, Salomón Lerner, was summoned before a congressional committee on July 15, 2002 to defend the use of the term “political party” in reference to SL. Dr. Lerner presented a list of dictionary definitions of “political” and “party,” attempting to

explain why SL could be defined this way without implying an “apology for terrorism” (Lerner 2002).

In such polarized contexts, truth commissions are structurally inclined to overlook the gray zone in which categories of perpetrator and victim blur (Levi 1995). Indeed, truth commissions tend to construct a popular discourse that presents two distinct homogenous groups, imagined as mutually exclusive: victims and perpetrators (Borer 2003). Within the Latin American context, the “between two fires” approach has been the regional appropriation of this dichotomy.<sup>5</sup> However, in constructing people as victims, these commissions may silence other relationships people have with their pasts (Theidon 2007). Additionally, the messiness of war frequently blurs the dichotomy. Let me trace some of that “messiness” in former Shining Path strongholds in the department of Ayacucho.

### **Histories of Innocence**

“We went to Lima to demand our rights, but nobody paid any attention. For campesinos there is no justice. If you demand your rights, they say you’re a *terroruco* (terrorist) from Cayara.” (Anonymous)

As I mentioned earlier, in the polarized debates about Sendero Luminoso in Peru, it is controversial to even suggest that Sendero was a political party. This polarization in turn informs the debates about human rights. In sum, only the innocent have rights in Peru.<sup>6</sup> That is, any sympathy that one may have had for Sendero disqualifies the person from being the subject of rights.<sup>7</sup> This game has been extremely useful to the armed forces, to the Apristas, and to

members of the conservative Catholic church: implying that a person or group had something to do with Sendero has been a strategy used to justify the use of violence against them, both in the past and in the present<sup>8</sup>.

This dichotomy between the guilty and the innocent has also shaped how people in former Shining Path strongholds press their claim and elaborate collective memory projects. Over the past five years, I have conducted qualitative research with four communities that were Shining Path support bases.<sup>9</sup> I was interested in understanding what had motivated people to join or sympathize with SL, how they now view their participation, and how they interact within these communities as well as with the state. Although the literature on transitional justice has focused almost exclusively on the international and national spheres, transitional justice is not the monopoly of international tribunals nor of states: communities also mobilize the ritual and symbolic elements of these transitional processes to deal with the deep cleavages left — or accentuated — by civil conflicts. In short, I wanted to enter the gray zone in hopes that if I stayed there long enough, I might begin to understand the complicated and contradictory logics that exist when introducing a politics of scale into our analysis of transitional justice.

Within the context of the truth commission, communal authorities set about developing their own “memory projects.” In every community with which I have worked, there were assemblies held to discuss what would be said to the TRC’s mobile teams when they arrived to take testimonies. There was an effort to close the narrative ranks, prompted by the many secrets people keep about a lengthy, fratricidal conflict as well as the expectations a commission generates. I attended numerous assemblies in which authorities reminded everyone what they had decided to talk

about — which deaths would be discussed and which ones silenced in the interest of yielding a collective history of innocence.

As part of their work, truth commissions construct typologies of victims — and of perpetrators. These categories inform the memory projects that people and communities develop. There is much emphasis on the politics of memory, and on memory as a cultural form. I want also to consider the economics of memory: among the conditions of possibility for the elaboration of “collective truths” are changing economic circumstances and motivations. Commissions generate expectations. It did not matter how many times people were told they would not necessarily receive reparations for giving their testimony: giving one’s testimony was in part instrumental, and it would be ingenuous to think otherwise. Memories were narrated with new possibilities and aspirations in mind. While giving testimony can be prompted by various factors, the hope of some economic relief was a very important incentive — and innocent victimhood was the narrative strategy.

Let me provide an example that allows us to tease out several of the issues with which we are concerned. The truth commission conducted focus groups — in addition to taking individual testimonies — as part of their work on regional histories (*estudios en profundidad*). In June 2002, the TRC team held a focus group in one former Shining Path support base with which I have worked. The transcript from the focus group provides us with an opportunity to situate truths within the dynamics of winners and losers, and to appreciate the historicity of memory.

The transcript of the focus group is fairly lengthy, so I will briefly summarize the main themes addressed. I will not name the community, but it was located in the central-south of Ayacucho and had been one of Sendero's important support bases.<sup>10</sup> The groups were recorded and subsequently transcribed; I quote from the written transcriptions in the present tense to preserve people's statements.

The meeting begins with the two facilitators introducing themselves; each of them are subsequently addressed as "Señor Comisión de la Verdad" or "Señores de la Verdad." To start the conversation, one of them asks "How was it here when your paisanos lived — before there was so much death?"

One of the men replies: "Here we were, peaceful, without fights — without hating each other. During fiestas we drank, we ate. When someone died we visited them. When someone called, we answered. Then all of this (SL) appeared. We've been innocent. They (the soldiers) cut our throats because we were innocent."

The other men join in with details about when "Sendero arrived," talking animatedly about one of the teachers who was a local *cabecilla* (SL leader). A series of killings are detailed, followed yet again by the insistence that "All of these things they did to us, to innocent people." Another man adds, "The children trembled with fear. So did the women."

What follows in the transcript is the first attempt to quiet one of the women who tries to speak. The men admonish her: "You shouldn't talk unless you know (the story) really well or we'll vary

the information. This machine (tape recorder) will tell everything just the way it is in Lima.”  
She falls silent.<sup>11</sup>

There is more discussion about their innocence, and then the talk turns to a local massacre.

Another woman tries to speak; she is also told to be quiet.

In describing the army massacre, one of the men notes: “We decided the men should escape. They hated the men — we didn’t think they’d do anything to the women.”

They were wrong in that assessment, and what follows is a description of how the soldiers began raping and killing the women. The details of the massacre are gruesome, and the actions of the soldiers despicable. Once again, a woman tries to speak up and the men tell her to be quiet. The men return to the theme of innocence, this time insisting, “Our pueblo was innocent.”

The lengthy transcripts of the focus group are striking for many reasons. These communities were considered “red zones” and, given the outcome of the armed conflict, this history still confers a certain stigma. Of course some sectors continue to justify the actions of Shining Path, arguing that the political violence was the result of the marginalization and poverty that the Peruvian state was not and continues to be incapable of resolving. But for many people, there is a sense of guilt for the destruction they associate with their ties to Sendero Luminoso.

Additionally, pressing demands as innocent victims plays with the dualism that informs the logic of law and these commissions charged with historical clarification. In the assemblies held in this

community prior to the arrival of the TRC, it was decided that people should only talk about those who died at the hands of the soldiers. As explained to me, the concern was twofold: when authorities convened the assemblies and began forging their memory projects, they told people that widows and orphans were groups of interest to the commission. As the president of this community told me, “One of the orphans stood up and said he was ready to tell the commission about his father’s death. ‘I’ll tell them how Antonio Sullqa and Clemente Gamboa killed him — how they slit his throat....’ Well, there were Antonio and Clemente standing right there across from him! We knew we couldn’t talk about it like that or everyone would be killing each other again.” Thus the communal authorities decided that only certain deaths would be talked about with the TRC — those that occurred at the hands of the armed forces. Additionally, they were concerned that if people began talking about killings *within* the community, it would be taken as proof of Sendero’s presence and their sympathies during the war. Thus the memory project focused on “innocent victims,” and the women were consistently told to be quiet for fear they would “vary the information.”

Additionally, if indeed it is socially acceptable to demonize Sendero Luminoso, there is much less discursive space to talk about why people supported SL. There is a Faustian bargain here: the campesinos of the central-south can exercise protagonism today if they retrospectively adopt the role of passive victims during the internal armed conflict. The less they portray themselves as protagonists then, the more persuasive their demands on the state are today. Thus most people in these communities attempt to construct their life histories at a sizeable distance from any sympathy whatsoever with Sendero.

On several occasions, someone pulled aside a member of my research team to assure them that everyone else was exaggerating their losses during the violence: “Oh, look at how he plays the victim — but that’s not how it was! He was one of those *puriqkuna* (SL militants, literally “those who walk,” referring to the constant movement of the guerrillas). And now he wants to say he was a victim! Me? Yes, I really was a victim — but he wasn’t.” People compete for a higher rank on the hierarchy of victimhood. This “innocence” is based on a logic that has guided the discourse of human rights in Peru: the subject of rights is the subject without moral taint — the innocent subject.

This prompts me to consider Mahmood Mamdani’s work on the Rwandan genocide, in which civilian participation in the killing was massive. He juxtaposes “victor’s justice” with “survivor’s justice,” advocating for the latter as a means of combining the logic of reconciliation with the logic of justice:

To transcend the previous oppositional terms is to forge a new community of survivors of civil war, (the survivors being) those who continue to be blessed with life following war. The concept of the “survivor” seeks to transcend the bipolar notions of victims and perpetrators. (2001:272)

According to Mamdani the price of victor’s justice is very high (ibid.). The victor must be permanently vigilant for fear that the winner’s booty be snatched away. The winners live fearing the next cycle of violence, when those they squashed rise up in revenge. Consequently, the price of victor’s justice is either a continuation of civil war or permanent divorce. When the enemies

have been intimate, permanent divorce is not really an alternative. Thus the work of justice and the work of coexistence are intertwined and both require a reorganization of power and resources. Within this reorganization, it is necessary to formulate multiple subject positions that do not freeze people in the past.

Additionally, the contentious politics of victimhood was further magnified by Peru's July 2005 Reparations Law and how the law defines "victim." In circumvention of international human rights law and the principle of non-discrimination, Article 4 of the Reparations Law states that "members of subversive organizations are not considered victims and thus not beneficiaries of the programs enumerated in this law."<sup>12</sup> To be a "good victim" now requires disavowing political protagonism in the past.

I believe the discourse of innocence paralyzes the process of reconciliation in Peru. In these former Shining Path strongholds, I asked people how they viewed the Peruvian state and the possibility of reconciliation. In Cayara, where the military committed a massacre on May 14, 1988 on the grounds that the villagers were SL militants, one of the communal authorities explained why his is a *pueblo resentido* (a resentful town):

If there are people (military) who have participated and are alive, the TRC should sanction them, according to the law. Maybe not punish the soldiers because they were under orders. It's more that they should punish the intellectual authors like General Valdivia and Dr. Alan García because he came here with such arrogance and called us "terrucos." At least, as former president of our country, he should

explain all of this. To achieve reconciliation between the state and us, there would need to be an agreement between the two and it would have to be after the sanction we were talking about. Reconciliation means, for me it means, that both sides reconcile, to live in peace and tranquility, and that there is justice. That is reconciliation.

Striking was his demand that the “intellectual authors” be punished, citing both the general who oversaw the massacre as well as former and current President García. This conversation occurred in March 2003, and was echoed by many other members of the community who assured me that when García arrived following the massacre, “he called us all terrucos — he called our dead family members terrucos and said they deserved to die. He even said our pigs were terrucos!”<sup>13</sup>

During the subsequent 2006 presidential campaign, many people in this community (and another that had suffered a military massacre in 1985) told my research team how worried they were: “If García is elected again — oh, he must be angry that we denounced the massacre to the human rights people. This time, he’ll make certain they kill us all so that no one is left alive to tell.” While these fears may seem extreme, the fear was palpable. Importantly, that such worries were deemed credible provides powerful insight into how these Peruvians view their government.

In addition to these concerns, the logic of innocence has other corrosive effects. This logic does not permit the construction of a more just society because if only the “innocent” have rights, then there will certainly be those who feel entitled to do whatever they want with the guilty. The

TRC's Final Report leaves little doubt regarding the deadly consequences of that approach. As long as there is no discursive space to talk about why so many people joined Sendero and, in some cases, remained sympathizers even under military repression — as long as there is no discursive space not subject to the Faustian bargain — there will be a repressed history of struggle that continues to generate bitterness in these “*pueblos resentidos*” of the central-south.

### **National reconciliation? Reconciling what and with whom?**

“There is no reconciliation possible with the assassins of Shining Path.” (Alan García, *Correo*, August 14, 2003)

“With Shining Path there can be no pact, no political solution and no form of reconciliation.” (Congresswoman and former presidential candidate Lourdes Flores Nano, *La República*, August 10, 2003)

Reconciliation is multidimensional: the individual with his or herself, members of a community with one another, between communities or states, between the individual and his or her gods, and between civil society sectors and the state. I would like now to briefly consider the final dimension, emphasizing the need to distinguish between vertical and horizontal reconciliation (Theidon 2004). Elsewhere I have discussed the micropolitics of reconciliation practiced in communities in northern Ayacucho, noting that locally-based processes of administering both retributive and restorative justice have been remarkably successful in terms of reincorporating *arrepentidos* and in breaking the cycle of revenge (Theidon 2006). However, to date the armed

representatives of the state have been neither punished nor forgiven. That responsibility — legally and morally — lies with the state.

When I visited Ayacucho in November 2001, the TRC was just beginning its work. I asked people how they felt about the armed forces and the abuses they had committed in their communities. Many people were still afraid to speak openly about civil-military relations and their conflictive, abusive trajectories. However, those who did comment expressed a common refrain: “So *los doctores* from Lima think they can come here and tell us to reconcile? If the soldiers want to reconcile with us, then let them come here and apologize and repent for what they did.” A few women also added, “And let the generals spend at least a few months in prison so they understand what it means to suffer.” We see an emphasis on apology, the administration of justice, and on dialogue. These are important steps in the reconstruction of coexistence — what villagers mean when they refer to reconciliation.

In his analysis of the South African TRC, Wilson criticizes the ways in which the concept of reconciliation was deployed in a top-down direction, leaving scant space to speak about the sentiments of retribution or vengeance that characterized popular conceptions of justice. The gap between national and local processes was notable: the South African Truth and Reconciliation Commission did not develop mechanisms for translating their vision of “national reconciliation” to the townships. Rather, Wilson argues that political and religious elites appropriated the term “reconciliation” as a metanarrative for reconstructing the nation-state and their own hegemony following the apartheid regime (Wilson 2001).

In Peru, the national-local gap has also been a problem — but in reverse. In the weeks leading up to the presentation of the TRC’s Final Report, members of the *criollo* political elite lined up to distance themselves from the very idea of reconciliation. Their declarations were multiple and adamant: “There is no reconciliation possible with the assassins of Shining Path,”<sup>14</sup> and “With Shining Path there can be no pact, no political solution and no form of reconciliation.”<sup>15</sup> Even former president Valentín Paniagua, the man who led the country during the transitional government and signed the executive decree establishing the truth commission, insisted he had created the Truth Commission — with no “R” and nothing more.<sup>16</sup> Adding their voice to the cacophony were members of the armed forces, representatives of the conservative wing of the Catholic Church, and certain businessmen who were committed to the restricted circulation of the Final Report and its recommendations regarding themes such as accountability and reparations.

When I listened to Alan García’s testimony — and the subsequent declarations of other political officials — I found myself wondering just who constituted “*El Perú*” that would neither forgive, nor forget, nor enter into dialogue. What a distanced and indulgent position to take! I choose the words “distant” and “indulgent” because for the economic and political elites who live in the enclave communities of Lima’s wealthiest neighborhoods, they do not live with the daily legacies of a fratricidal conflict. They do not interact with neighbors who forged different — and frequently lethal — alliances during the war. Nor did they live with the midnight military raids, during which soldiers hauled off the men and lined up to rape the women. Listening to former President García, we are reminded that when members of the *criollo* political elite

imagine the community that constitutes “*El Perú*,” no Quechua speaking campesino appears in the portrait.

I recall the debates during the interim government. The middle and upper class residents of Lima were more concerned with the corruption charges against the various administrations of the 1980s and 1990s than they were with the charges of human rights violations. The issue of corruption affected people of their same socioeconomic status, while the great majority of the dead and disappeared would never have crossed the thresholds of their homes, except perhaps to clean them. How easy to say “never” to reconciliation with the “assassins of Shining Path,” and what an enormous lack of vision on the part of those elected officials who should provide leadership during this transitional process. “*El Perú*” that the political and economic elites invoke has yet to enter into dialogue with those sectors of the population that bore the brunt of the internal armed conflict. The TRC cited the ethnic discrimination that influenced the course of the internal armed conflict in Peru, and that discrimination continues to inform notions of who and what is to be reconciled. “*El Perú*” has a responsibility to consider the brutality exercised by many Peruvians, some in the name of defending the state and others in the name of overthrowing it.

It is useful to reflect upon the gap between the discourse of certain political leaders regarding the theme of reconciliation, and the micropolitics of reconciliation practiced in the communities with which I have worked. The gap invites us to consider the extent to which “democratic transitions” and processes of “national reconciliation” may be little more than the reconfiguration of elites’ pacts of domination or governability unless these national processes are articulated with

social reconstruction locally. In the top-down version of “national reconciliation,” there is little change in the demographics of the interlocutors, or in the structure of the exclusionary logics of the nation-state. Thus, while the “savage slot” may recede, the ethnically-saturated category of the terrorist will continue to be a useful tool to stifle dissent.

## **Conclusion**

“We went to Lima to demand our rights, but nobody paid any attention. For campesinos there is no justice. If you demand your rights, they say you’re a *terrorista* (terrorist) from Cayara.”

— Anonymous

In this chapter I have offered a place-based analysis of the complexities involved when introducing a politics of scale into our study of transitional justice and post-conflict reconstruction. To date most studies of transitional justice have focused on the transnational or national dimensions; however, the ethnographic study of local engagements with global institutions — be they truth commissions or the figure of the “terrorist” — reveals their contradictory logics and unintended consequences.

In Peru, the Commission’s Final Report played an important role in bringing former President Alberto Fujimori to trial for corruption and human rights violations. This is a stunning accomplishment a mere five years after the TRC completed its work. However, the Final Report also established certain narrative terms of engagement, and subject positions that are a prerequisite for access to redress and reparations. In tying the right to redress to an individual’s “innocence,”

the Peruvian state distorts the content and practice of citizenship. The right to voice dissent and to peacefully place demands upon the state are rights that should belong to all Peruvians, not just those who are forced to erase their past in the hopes of securing their future.

In conclusion, many have suggested that history is written by the victors, and certainly the capacity to elaborate and impose histories with hegemonic pretensions in a post-war context reflects power relations between the victors and the vanquished. However, the losers also write their histories, albeit in the silences, the margins, and in the rancor that characterizes post-war social worlds. My research in Peru compels me to question the victim-centered approach of truth commissions, and the resentful silences this may inadvertently create. Truth commissions — and other technologies of truth — must recognize political protagonism even while condemning the forms it may take. That recognition may be crucial to serving both the needs of history as well as those of justice.

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<sup>2</sup> Diary entitled *Plumas y Montañas: Suni Puni*, written during 1985-87 by an anonymous Shining Path militant based in the highlands of Huanta, Ayacucho. Copy of diary on file with the author.

<sup>3</sup> Within the polarized political climate of the Fujimori years, to suggest dialogue with members of SL was taboo. As Richardson argues, “There is a widespread view that to endeavor to understand or to explain terrorism is to sympathize with it. I reject this view. Indeed, it is a central tenet of this book that the best way to contain terrorism is to understand its appeal and to use this understanding to forge effective counterterrorist policies. The Peruvian government’s campaign against the Shining Path is one example at how an effort to understand a terrorist movement can be much more effective at ending terrorism than an effort to squash it” (2006:xx). While Richardson is correct that careful intelligence gathering — in contrast to the indiscriminate use of violence — was what allowed the Peruvian government to capture Abimael Guzmán, the understanding of SL did not extend much beyond the appreciation for the “cult of

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personality” that made the decapitation strategy successful. However, there was scant effort to understand the motivations of lower level militants because talking with “terrorists” was seen — and continues to be seen — as an “apology for terrorism.”

<sup>4</sup> Decreto Supremo N° 065-2001-PCM (June 4, 2001) Available at:  
<http://www.cverdad.org.pe/lacomision/nlabor/decsup01.php>.

<sup>5</sup> David Stoll was perhaps the first social scientist to invoke the idea of a civilian population caught “between two fires” or “between two armies” based upon his research in Guatemala (1993). For a critique of the “*entre dos fuegos*” model see Theidon 2004 and Oglesby 2007.

<sup>6</sup> For an excellent discussion of the contradictory tensions in Peruvian human rights law and practice, see Laplante, forthcoming.

<sup>7</sup> I will return to this again when considering the PIR and how the reparations program defined “victims” to exclude anyone who was a member of a “subversive group” at the time their rights were violated.

<sup>8</sup> “Aprista” is someone who belongs to the political party Alianza Popular Revolucionaria Americana (APRA).

<sup>9</sup> I began working with these communities as one component of my research with the TRC’s office in Ayacucho. I directed a project on community mental health, reparations, and the micropolitics of reconciliation practiced at the communal and intercommunal levels. For further discussion of these themes, see Theidon 2004, 2006a, and forthcoming.

<sup>10</sup> I am frequently asked if no one “broke ranks” vis-à-vis these communal “memory projects.” The answer, of course, is yes. In part, my research has been made possible by those alternative versions. However, those versions emerged slowly over time and, in several instances, from

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people who visited me late at night or at my home in Huamanga to ensure that no one in their community would see them.

<sup>11</sup> See Theidon 2007 for a gendered analysis of the TRC, which includes a more detailed discussion of this focus group.

<sup>12</sup> For an excellent discussion of the debates regarding the applicability of the “Clean Hands Doctrine” in Peru, see Guillerot and Magarell 2006 and Laplante, forthcoming. The “Clean Hands Doctrine” dictates that the wrongdoing of an injured party may limit his or her claim to reparations. However, as Laplante skillfully argues, this doctrine violates human rights principles and laws, having been developed for common law disputes seeking to balance blame in determining causation of injury of harm between equal parties, such as states. The tensions that arise when applying this doctrine to human rights violations are multiple: if only those with “clean hands” are legitimate subjects of human rights protection, then the stigma of past militancy — or even accusations to that effect — are sufficient to sully far more than an individual’s hands.

<sup>13</sup> People in a number of communities lamented the death of their animals, rhetorically asking me “What possible guilt could an animal possibly have?”

<sup>14</sup> Former president Alán García, *Correo*, August 14, 2003.

<sup>15</sup> Congressperson Lourdes Flores Nano, *La República*, August 10, 2003.

<sup>16</sup> Valentín Paniagua, *La República*, August 10, 2003. Mr. Paniagua was noting that he had created a truth commission, not a truth and reconciliation commission. It was his successor, Alejandro Toledo, who added reconciliation to the commission’s name and mandate.