

Justice in Transition

THE MICROPOLITICS OF RECONCILIATION IN POSTWAR PERU

KIMBERLY THEIDON

*Department of Anthropology
Harvard University*

This article draws on anthropological research conducted with communities in Ayacucho, the region of Peru that suffered the greatest loss of life during the internal armed conflict of the 1980s and 1990s. One particularity of internal wars, such as Peru's, is that foreign armies do not wage the attacks: frequently, the enemy is a son-in-law, a godfather, an old schoolmate, or the community that lies just across the valley. The charged social landscape of the present reflects the lasting damage done by a recent past in which people saw just what their neighbors could do. The author contributes to the literature on transitional justice by examining the construction and deconstruction of lethal violence among "intimate enemies" and by analyzing how the concepts and practices of communal justice have permitted the development of a micropolitics of reconciliation in which *campesinos* administer both retributive and restorative forms of justice.

Keywords: *Peru; reconciliation; political violence; transitional justice; memory*

AYACUCHO, PERU 1997

The brightly colored speck in the distance kept coming closer without increasing much in size. I stood still with a large sack of kindling slung over my shoulder, not certain who it was. It was still dusk, so I was more curious than frightened. People had assured me the guerrillas only walked at night, as did the other frightening creatures I had been warned about. There were the *jarjachas*—human beings who had assumed

AUTHOR'S NOTE: My research has been funded by the Social Science Research Council, the Wenner Gren Foundation, the United States Institute of Peace, and the Instituto de Estudios Peruanos. Time for reflection and writing was made possible by the Institute on Violence and Survival at the University of Virginia, the Shaler-Adams Foundation, and the Harry Frank Guggenheim Foundation. I am deeply grateful for this generous support and for the collegial relationships I have enjoyed with representatives of each of the above institutions. For keen conversation on the themes addressed in this article, I thank José Coronel, Efraín Loayza, Elizabeth Jelin, Billie Jean Isbell, Barry O'Neill, Edith Del Pino, Leonor Rivera Sullqa, and Kathleen Dill. I also thank two anonymous reviewers for their helpful suggestions. Finally, I thank the editors of this special issue of the *Journal of Conflict Resolution* for the invitation to contribute to these debates.

JOURNAL OF CONFLICT RESOLUTION, Vol. 50 No. 3, June 2006 433-457

DOI: 10.1177/0022002706286954

© 2006 Sage Publications

the form of llamas as divine punishment for incest. There were the *pishtacos*—beings that suck the body fat out of the poor people who cross their paths. There were also the *condenados*—the condemned dead who were sentenced to an afterlife of wandering the earth and never finding peace. All these beings derive pleasure from inflicting their vengeance on the living. But it was still dusk. I just wanted to know who the speck in the distance was.

I finally heard a voice call out, but the wind carried the words upward to the peaks of the mountains. I dropped down to the dirt highway and began calling out my own greeting. Finally an elderly man came into focus. He wore threadbare pants and a green wool sweater, and was stooping beneath the weight of a brightly colored blanket brimming with wood. Standing as upright as his heavy load would allow him, this tiny man pushed back his hat and looked straight up at me: “*Gringacha*—little *gringa*—where is your husband?” So I met don Jesus Romero, an altogether different sort of creature to be wary of on isolated paths.

don Jesus was also headed to Carhuahurán, so we walked back home together. It was the time of day when cooking fires sent smoke curls up from the roofs of the houses, and animals crowded into their corrals for the night. The smoke curls were a prelude to intimate evening hours, when stories from that day or years past were told as families gathered around blackened cooking pots.

Efraín, my research assistant, already had our fire going by the time we arrived. I invited don Jesus to come in for a cup of coffee and a *chapla*—round wheat bread I had brought with me from the city a few days earlier. I slathered a *chapla* with butter and strawberry jam, instantly making me someone worth visiting on a regular basis.

That first evening don Jesus began talking about *el tiempo de los abuelos*—the time of the grandparents. “But that was before. Traditions change because times change. Before, we never raised the flag like we do now. This is recent, just since the terrorists appeared. In *el tiempo de los abuelos*, we didn’t even have a flag.”

“Why do they raise the flag now?” I asked.

“We have laws now, laws to civilize us. To make us understand each other.”

“And before, how was it then—weren’t there laws?”

“Yeah. But everything changed.”

“Changed how, don Jesus? When?”

“When the violence appeared. Before, there were laws. Before, it was forbidden to kill,” he replied, wiping some jam from his face with his scratchy green sleeve.

“They didn’t kill before?”

“No, it was forbidden—only with thieves who came to steal animals. But the violence appeared and people began to kill. People were dying like dogs; there was no controlling it. Like dogs people were dying and there wasn’t any law.”

“And now?” prompted Efraín.

“Now is another time. In our assemblies, in the Mother’s Clubs—everything is changing again. It’s against the law to kill now, even to attack someone. It’s forbidden. Everything is changing—time changes.”

“Was there a time before *el tiempo de los abuelos*?” I asked.

don Jesus nodded. “It was *el tiempo eterno*—time eternal. The people were different then.”

“They weren’t like us?” I asked.

“No, they were different. We’re from *el tiempo de Dios Hijo*—the time of the Son of God.”

“And the people who lived before, did they disappear?”

“Of course. We come after them.”

“Did the people from *el tiempo eterno* live here?”

“Yeah. Their houses are up there,” pointing toward the hills above Carhuahurán. “We’ve seen their houses.”

“Did they have a name?”

He nodded. “The gentiles. They were *envidiosos*—envious. They disappeared in the rain of fire. Then it was *el tiempo de Dios Hijo*. That ended in the flood.”

“So there have been two times?”

“Yes. There have been two judgments.”

“Will there be another?”

“Yes. Some people say it will happen soon. We’ll all end in flames.”

don Jesus finally stood up, letting us know it was time for him to head home. I looked outside and saw how dark it was. “So you aren’t afraid of the dark?” I wondered out loud. “Jarjachas, condenados. . . .”

He shook his head. “That was before. That changed when the violence appeared. The condemned disappeared—they stopped walking. When the violence appeared, it was the time of the living damned.” He lifted his blanket full of wood onto his shoulders and tied the ends tight around his chest. “We weren’t afraid of the *condenados* anymore. We were terrified of our *prójimos*—terrified of our neighbors, of our brothers.”

INTRODUCTION

On August 28, 2003, the commissioners of the Peruvian Truth and Reconciliation Commission (TRC) submitted their *Final Report* to President Alejandro Toledo and the nation. After two years of work and gathering some 17,000 testimonies, the commissioners had completed their task of examining the causes and consequences of the internal armed conflict of the 1980s and 1990s. Among the most striking conclusions in the *Final Report* is the number of fatalities—69,280 deaths, almost three times the number cited by human rights organizations and the government prior to the TRC—and the responsibility for these deaths. In the section of the *Final Report* regarding accountability, the commissioners state that the Shining Path guerrillas (*Senderistas*) were responsible for 54 percent of the fatalities reported to the TRC (TRC 2003).

I would like to follow the implications of this statistic, which supports what *campesinos* have been telling me throughout my years of research in Ayacucho, the region of Peru that bore the greatest loss of life and infrastructure during the war. There is a lament in the communities with which I have worked: “*Jesús Cristo*, look what

we've done among brothers."¹ Although the Senderista leadership was composed of university-based provincial elites, the rank and file were peasants. Certainly I do not seek to diminish the atrocities committed by the armed forces; rather, I note the level of civilian participation in the killing. The forms of violence suffered *and* practiced influence the reconstruction process when the fighting subsides. The fratricidal nature of Peru's internal armed conflict means that in any given community, ex-Senderistas, current sympathizers, widows, orphans, and veterans live side by side. This is a charged social landscape. It is a mixture of victims and perpetrators—and that sizable segment of the population that blurs the dichotomy, inhabiting Levi's gray zone of half-tints and moral complexities (Levi 1995).

In this text, I explore how people attempt to reconstruct moral orders in the aftermath of prolonged violence. I draw upon the literature on transitional justice and "customary law" to explore the role of communal mechanisms of administering justice and rehabilitating transgressors (i.e., Falk Moore 1986; Sieder 1997; Teitel 2002). A central tenet of transitional justice is that it includes important performative aspects; via the secular rituals embodied in transitional legal practices, collectives engage in "ritual purification" and the reestablishment of group unity. From this perspective, law is not just a set of procedures but also of secular rituals that make a break with the past and mark the beginning of a new moral community. 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 or 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.

It is to the micropolitics of reconciliation that I turn to address a series of questions that guided my research: how do people commit acts of collective violence against individuals with whom they have lived for years? When the war ends, what do people do with the killers in their midst? What do local processes of reconciliation tell us about how people dismantle lethal violence? Finally, what are the possibilities and limitations of communal forms of justice, punishment, and reconciliation among "intimate enemies?"

SASACHAKUY TIEMPO: THE "DIFFICULT YEARS"

From 1980 to 1992, an internal war raged among 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

1. I use the term *community* in two senses. *Campesino* communities are rights-bearing entities, recognized as such in the Peruvian Constitution. I also define *community* as a historically situated, strategic collective identity. I am in no way invoking the image of "community" as the repository of the best of human values or as innately democratic. My fieldwork confirms that one can have big hell in a small town.

communist utopia (Degregori 1990). 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 counterinsurgency war in which “Andean peasant” became conflated with “terrorist,” and many peasants themselves rebelled *against* the revolution (Starn 1995).

While some communities remained in situ, many others fled the region in a mass exodus. Indeed, an estimated 600,000 people were internally displaced, devastating more than 400 campesino communities (Coronel Aguirre 1995; TRC 2003). Although the guerrilla war spread from the countryside to the capital city of Lima, it was the rural population that suffered the greatest loss of life during the internal armed conflict. As the TRC’s (2003) *Final Report* states, 75 percent of the dead and disappeared spoke Quechua or another native language as their mother tongue, and three out of four people killed lived in a rural region. An epidemiology of political violence in Peru demonstrates that death and disappearance were distributed by geography, class, and ethnicity.

As late as 1991, there were concerns that Sendero would indeed topple the Peruvian government. However, in September 1992, the Fujimori administration located the leader of Shining Path hiding in a “safe house” in Lima. The arrest of Abimael Gúzman decapitated the guerrilla movement; although various would-be successors have vied for power, Sendero Luminoso remains an isolated group pushed into the jungles of the interior. Peru is a case of a triumphant state: unlike Guatemala, for example, there were no negotiations between the government and the guerrilla because Sendero had been largely defeated.

The man credited with “pacifying” the country was former president Alberto Fujimori. Elected in 1990, he campaigned on a platform of ending hyperinflation and defeating the guerrilla movements that had been waging war for a decade.² In fulfilling his promises, Fujimori used Draconian measures, staging a self-coup that shut down a recalcitrant Congress, rewriting the constitution, and dismantling political parties and other institutional intermediaries in the development of his self-described “direct democracy.” Popularity and a vast patronage apparatus enabled Fujimori to handily win reelection in 1995; however, his authoritarian tendencies increased during his second term. To remain in power, he removed members of the Constitutional Tribunal who blocked his illegal run for a third term and reinterpreted the constitution to allow for the perpetuation of his presidency.

Following a highly tainted presidential campaign in 2000, Fujimori fled the country, faxing in his resignation from Japan. The massive corruption of his two administrations had become increasingly visible. Indeed, visibility was a key component

2. The other guerrilla movement was the MRTA, Movimiento Revolucionario Tupac Amaru. MRTA was always considered a lesser threat, although the group succeeded in invading the Japanese Embassy and holding dozens of hostages for several months. When government troops stormed the embassy, members of MRTA were killed after they had surrendered. One of the images repeated shown in the media was Fujimori strutting through the rubble in a flak jacket.

in his downfall and the subsequent political transition: thousands of videotapes were discovered, showing both Fujimori and his crony, former head of internal intelligence Vladimiro Montesinos, bribing a cast of characters that ranged from congressmen to talk show hosts to body builders. It was the corruption charges that forced Fujimori from office and provided the political opening for the establishment of the TRC.

Interim president Valentín Paniagua created the truth commission by executive decree in 2001; it was his successor, president Alejandro Toledo, who added the word *reconciliation* to the commission's name and mandate. That mandate was to clarify the processes, facts, and responsibilities of the violence and human rights violations attributable to the terrorist organizations as well as to agents of the state from 1980 to 2000.

“AYACUCHO ES LA CUNA”: AYACUCHO IS THE CRADLE³

Since 1995, I have worked with campesino communities in northern Ayacucho, the department where Shining Path began. I reflect upon the 69,280 dead, noting that aggregate statistics obscure the intensity of the political violence in Ayacucho.⁴ The department of Ayacucho alone accounts for 40 percent of all the dead and disappeared during the internal armed conflict (TRC 2003). The TRC (2003) concluded that if the ratio of victims to population reported to the TRC with respect to Ayacucho were similar countrywide, the violence would have caused 1,200,000 deaths and disappearances.

In addition to the statistics that bear witness to the impact of the war in Ayacucho, I emphasize the extent to which the war was experienced as a “cultural revolution”—as an attack against cultural practices and the very meaning of what it is to live as a human being in these villages. Under continuous threat of attack by either the Senderistas or the military, communal life was severely distorted: both family and community celebrations were suspended, villagers sporadically attended their weekly markets due to the danger of traveling on remote roads, and many lament how they were forced to leave their dead loved ones wherever they had fallen, returning—if they could—only to “bury them hurriedly like animals.”

I realize the phrase “dehumanizing violence” has been reduced to a cliché in the media; however, attentiveness to the language villagers use indicates just how appropriate the term is. To “live and die like dogs,” to insist that *ya no era vida*—it was no longer life—underscores the extent to which the political violence surpassed any form of acceptable force. As many campesinos have told me, “The Senderistas killed people in ways we do not even butcher our animals.” Other villagers described how

3. Abimael Guzmán, the founder of Shining Path, referred to Ayacucho as the “cradle” or birthplace of the guerrilla organization during an interview with the Truth and Reconciliation Commission (TRC 2003, 79).

4. In this text, I draw upon fieldwork conducted with the communities of Carhuahurán, Huaychao, and Uchuraccay in the highlands of Huanta in northern Ayacucho.

they went out with large burlap bags to collect the body parts of their dead loved ones, trying to reassemble the pieces into something resembling a human form. In contrast to Sendero's use of mutilated bodies as testimony to their power, the armed forces tended to hide their victims, using disappearance as a tool of terror.

However, it would be a simplistic reading indeed that would reduce this to a war between the guerrilla and the armed forces. Indeed, rather than being helplessly caught "between two armies," I emphasize the extent to which this was a war between villagers themselves. In the heights of Huanta in the northern region of Ayacucho, villagers began assessing the changing power equation as the military increased both its presence and pressure. Although initially sympathetic to the revolutionary discourse of Sendero, the authoritarian brutality of the guerrilla ultimately alienated the villagers who not long before had thrown off the domination of the *hacendados* (large land owners) following Peru's Agrarian Reform. It was in these villages—frequently described as more "traditional" due to their civil-religious organizational structure—that Sendero met its greatest resistance (Degregori et al. 1996).

Villagers began forming both armed peasant patrols as well as a strategic, conflictive, and frequently abusive alliance with the military. In the process of "cleansing their communities" of guerrilla sympathizers, villagers slaughtered one another. This was an internal war fought between intimate enemies: in the words of the villagers, "we learned to kill our brothers." Thus, while these villagers assert the Senderistas "had fallen out of humanity," this moral discourse acknowledges that they too engaged in acts they had never before imagined.

LOOKING NORTH

If indeed the revolutionary spark in the communities in northern Ayacucho was lit by external agents, certainly there were Senderista sympathizers in these communities. The Senderistas initially arrived to *concientizar a la gente* (consciousness-raise the people), and for many villagers, the message of equality resonated. However, various factors changed the equation of power and the communal alliances forged.

The Senderista discourse regarding "equality for all" was seductive as long as this referred to leveling the gap between *mistis* (mestizos) and campesinos, between rural and urban people, between corrupt or abusive authorities and *comuneros*—between categories that could be glossed as rich and poor. Much less attractive was the idea of equalizing everyone *within* the communities themselves. I recall a conversation with one communal authority who told me, "These *terrucos* [terrorists, referring to the Senderistas] began talking about the *Ley de Común* [The Law of Commons]. They said we were all going to live as equals. This was the Ley de Común. We were going to put all of our harvests in one room and share with everyone. Everybody equal." His face indicated how unappealing this proposition was.

In addition, there was a change in the Senderistas' strategy. The guerrillas' "moralization campaigns" were initially well received: in their "popular trials," they punished adulterers, cattle thieves, abusive husbands—in short, the "usual suspects."

However, they did not stop with those sectors. The Shining Path cadres began closing the markets, prohibiting the sale of agricultural products, burning the Catholic churches, and smashing the images of the saints. Faced by these affronts to the material and moral economy, the communal authorities began to throw the Senderista cadres out of these communities. The subsequent reprisals against “innocent people” were a key factor in alienating the rural population. The Shining Path leadership was reproducing a double standard that is too familiar to rural peasants: the powerful dictate how justice operates and for whom.

Along with the growing criticism of the indiscriminate violence of Shining Path, there were also changes in the constellation of power in rural areas. The armed forces entered at the end of 1982, and the following three years were the worst in terms of deaths, rapes, and disappearances (TRC 2003). However, this repression was accompanied by a reevaluation of each armed sector by the campesinos. Although Sendero had assured them they were going to win this war with rocks, knives, and slingshots, a strong element of doubt entered. Campesinos—like any other dominated group—are very attentive to changes in relations of power. This attentiveness made very clear which group had more firepower . . . and which had slingshots.

Also important in the chronology of the violence were the events in the village of Huaychao, where campesinos killed seven Senderistas in 1983. Former President Belaúnde lauded the campesinos for their “heroism” in defense of the Peruvian state. The surrounding communities in the highlands of Huanta were listening—and a number of people told me they decided to “rescue their image” (*rescatar su imagen*) by taking a stance against Shining Path and forging a conflictive but strategic alliance with the armed forces.

In the chronology of the war, this phase consisted of “closing the narrative ranks”—of constructing a coercive consensus that their communities were against Shining Path and without *una mancha roja* (a red stain, referring to sympathy with the guerrillas). Constructing consensus would require “cleansing” their communities of the sympathizers in their midst. This cleansing would be fatal.

“HOW WE LEARNED TO KILL OUR BROTHERS”

We knew the Cayetanos had been giving food to the terrucos [Senderistas]. In their house up there on the hill, they let them spend the night. We knew what the soldiers would do if they found out. We knew we had to do something to stop it. So we gathered up the family one night, all but the youngest boy, and we took them below to the river. We hanged them all that night and dumped their bodies in the river. That is how we learned to kill our *prójimos* [brothers, fellow creatures].

—Interview, a community in the highlands of Huanta, 1998

I begin with this emblematic memory, to borrow a term from historian Steve Stern (1998). He suggests the concept of emblematic memories to refer to collective memories that condense important cultural themes and assume a certain uniformity as they circulate within a given social group and, in turn, mold individual memory.

In addition, I believe this is a foundational memory, indicating the establishment of a new moral order.

According to my oral and archival sources, killing prior to the war was exceptional. As Degregori (1990) argues, a motif in rural villages was “punish but do not kill.” Peña Jumpa (1998) confirms that the most severe punishment was banishment from the community and the loss of “comunero” (villager) status and the rights such status implies. Thus, I want to trace changes in moral reasoning and concepts of justice. Both are forged by practice—from our concrete activities in the world—which shape our ideas of the world and our place within it.

I suggest we adapt Falk Moore’s (1986) insights on legal systems to an analysis of moral reasoning. In her research on “customary law” among the Chagga in Africa, she emphasizes the temporality of law, rejecting as “patently false . . . the illusion from outside that what has been called ‘customary law’ remains static in practice” (p. 319). From this perspective, the political and economic contexts are not external to the law but rather part of the cultural form to which the law gives a certain expression. I think that moral reasoning operates in a similar manner and that we must be attentive to both the *langue* as well as the *parole* of law and morality. According to my interviews, the decision to kill the Senderistas and their alleged sympathizers was discussed at length in communal assemblies. As David Apter (1997, 2) states,

People do not commit political violence without discourse. They need to talk themselves into it. What may begin as casual conversation may suddenly take a serious turn. Secret meetings add portent. On public platforms it becomes inflammatory. It results in texts, lectures. In short it engages people who suddenly are called upon to use their intelligences in ways out of the ordinary. It takes people out of themselves.

The process of forging consensus via discourse and decisions made in communal assemblies was accompanied by violent acts and the construction of a moral binary: “us” versus “them.” When villagers began to strengthen the boundaries of their communities, it implied justifying the violent acts they were committing against one another. It would be necessary to construct difference—to construct the Senderistas in their midst as radically, dangerously “other.”

CONSTRUCTING THE ENEMY

It is almost a cliché to note that people “dehumanize the enemy” during times of war. The phrase is intoned when people begin to kill one another, as though dehumanization is self-evident and explanatory. It figures in with *tribal warfare* and *ethnic hatred*, terms that invoke the image of primordial, lethal aggression waiting for a political opening to manifest. In contrast, I am persuaded by Nordstrom and Martin (1992, 14), who assert that “violence starts and stops with the people that constitute a society: it takes place in society and as a social reality; it is a product and a manifestation of culture. Violence is not inherent to power, to politics, or to human nature. The only biological reality is that wounds bleed and people die.”

Part of the argument I make throughout this article is the need for specificity—for understanding how people make and unmake lethal violence. Understanding the thick of regional histories is crucial to disassembling the structures of violence and working toward peace. Thus, I take a “processual” approach to the construction and deconstruction of “the enemy” in the villages where I worked, arguing that if, indeed, the end product—dehumanization—is a woefully universal phenomenon in the context of war, one must be attentive to the formulaic regional elements of this process.

I have found that constructions of the “enemy” drew upon psychocultural themes, extralocal discourses, and both “popular Catholicism” as well as the various strands of evangelical Christianity that became a major social movement in these rural villages during the war. I want to discuss these constructions: understanding how the Senderistas were stripped of their human characteristics allows us to understand the processes by which they might regain them.

When narrating the war, people use various terms to refer to the guerrillas. Among the terms used to describe the Senderistas are *terrucos*, *plagakuna*, *malafekuna*, *tuta puriq*, *puriqkuna*, and *anticristos*. Each term reflects the condensation of concerns regarding evil and monstrosity, also captured by the many campesinos who insist the Senderistas “had fallen out of humanity.”

Terrucos is derived from terrorists and was borrowed from the military discourse about the Senderistas. During the early 1980s, the Peruvian armed forces conducted a classic counterinsurgency war, and the notion of communist subversion as a cancer afflicting the national body was common. The Doctrine of National Security—that genocidal product of the cold war and its bipolar cartography—functioned via a double vision. The “communist threat” arrived from outside, spreading from country to country via the domino theory, but there was also the fear of internal contagion that was used to justify the repression of domestic dissent. Campesinos reelaborated this discourse: the cancerous legions of the left appeared as the *plagakuna*—the people of the plague.

Externality drew upon state policies and discourse as well. At one stage of the war, President Fernando Belaúnde (1980-1985) insisted that the Senderistas were externally financed, although this claim was subsequently proven to be false (Manrique 1989, 144). However, the theme of foreign intervention was elaborated by the army as part of its *acción psicológica* (psychological warfare). The army distributed leaflets in the rural countryside, warning people about the insidious threat of subversion. One leaflet portrayed campesinos fleeing, shrinking with fear while they point to an enormous beast with claws flying overhead. Behind the beast appears a soldier, running to rescue them. Below the images are the following words: Ayacuchans! The criminal subversives are foreigners who have come to destroy you—Reject them! (Caretas, no. 7373, 1983).

Malafekuna (the people of bad faith) and the *anticristos* (antichrists) draw upon both the idea of “godless communists” as well as the biblical interpretations elaborated by campesinos in the highlands of Huanta. With *malafekuna*, what is implied is that the Senderistas lack any conscience, being people “who were only born to kill.” In addition, given the centrality of the social covenant in the establishment

and reproduction of community—a theme I return to later in the text—the image of Senderistas as people of bad faith reflects a central concern: how does one negotiate in good faith with people who have none?

Also common in my interviews is the term *tuta puriq* (those who walk at night), which stems from long-standing fears about the condemned (*jarjachas*) who walk this earth, inflicting their revenge upon the living. *Jarjachas* are human beings who have assumed animal form as part of their divine punishment for having sinned. They walk the *puna*, searching for the unfortunate individual who crosses their path.

The *puna* is where the wild things are. In the classic studies of the Peruvian Andes, social scientists suggested that the savage *puna* is constructed in contrast to the domesticated space of the village (Isbell 1978; Silverblatt 1987). It is the domain of the *jarjachas*, as well as the scene for sexual trysts among young people hoping to escape their parents' watchful eyes. I was repeatedly told that the Senderistas attacked from the *puna*, arriving undetected on the wind.

Another common term is *puriqkuna*, a symbolically rich image. *Puriqkuna* are people who walk, never remaining in one place—transgressive people who are out of place, not belonging anywhere. This shares a certain logic with the claim that the Senderistas were covered with lice. In addition to illustrating concerns with categorical purity, there is another element referenced by this image. I remember many sunny afternoons in the villages, when thick black braids were unwound and washed. Family members would sit on sheepskins, picking the lice out of one another's hair. These are intimate moments: mothers search the hair of their husbands and children, and children invite a little brother or sister to draw near, black hair ceding to busy fingers. The idea that the guerrillas walked endlessly with heads covered in lice suggests something fundamental about their lack of ties with both people and place. Human beings live in families: what must those lice imply about the status of the Senderistas?

Perhaps not imply but rather confirm. In an almost mocking fashion, villagers told me the terrucos forbid the use of family terms; instead, everyone was *compañero* or *compañera*. The attempt to revolutionize the affective sphere of the family became a key site of resistance. In Quechua, *waqcha* means both “orphan” as well as “poor.” To live without family is to live in material and affective destitution.

In addition to these terms, campesinos are very consistent in insisting that the Senderistas “were gringos . . . they came from other countries.” Indeed, when I was a recent arrival in these villages, many people were terrified of me. They told me, “The Senderistas were tall, Kimberly, like you. They also had green eyes. They looked just like you.” It was not easy to accept that I personified such fear.

However, at times, even alleged racial differences and “foreignness” were not sufficiently distancing. The Senderistas were also described as otherworldly. don Jesús was one of the oldest men I knew. He assured me he was 100 years old, and from the hours he spent telling me stories, I was convinced he had accumulated a century's worth of experience regardless of his age. We had many more conversations following that first walk back to Carhuahurán. don Jesús had lived through several Senderista attacks. As he told me, “We killed them and saw their bodies. Some of

them were women. They had three bellybuttons and their genitals were in another part of their body. I saw them.” Bodies were killed, they were seen, they were examined.

The rich elaboration of corporeal difference is central to the construction of the moral binaries characteristic of a wartime code of conduct. I emphasize that these villagers are phenotypically homogeneous: certainly there is social stratification, but there are no categorical physical differences. However, people felt the need to construct them. Via the use of the body, political categories were given somatic force. Shifting political allegiances were grounded in imagined bodily difference.

In addition to these terms and the images they invoke, there is another element that echoed throughout our conversations. I was repeatedly told the Senderistas had a mark on their arms. Mama Justiniana had lived in the village during the war years. She described the attacks she had survived and the cold river that had provided her with refuge when the wind had carried the Senderistas to her village on a moonless night. And she knew something else: “The malafekuna had a mark burned into their flesh, on their arms. They all had the mark.”

What could that mark be? These villagers have long practiced what has been called “popular Catholicism,” referring to the blend of Catholic theology and pre-conquest cosmologies. This Catholicism shares many characteristics with the “pentacostalized” evangelical Christianity that was widely adopted during the war. This was a potent blend of revelations, faith healing, and the imminent arrival of the Antichrist: “And ye shall know him by his mark—666.”

But the mark invokes more than the beast. The lament “Between brothers we were killing” echoes in the interviews I have conducted. The Bible has been a central semiotic resource in the regional histories elaborated about the war, and the original fratricide resonates. When Cain and his brother Abel each offered the fruits of their labor to God, Abel’s gift was accepted while God rejected Cain’s. Ignoring a divine warning about the dangers of sins, Cain killed his brother. When God later asked where Abel was, Cain responded with a question of his own: “Am I my brother’s keeper?” God thus condemned him to wander the earth, bearing a mark that would last for seven generations.

The Senderistas’ mark was their condemnation made visible, evidence they had “fallen out of humanity.” Goffman (1963) has suggested that the stigmatized person is perceived as not fully human, as disqualified from total social acceptance. He also notes that the visibility of the stigma is a crucial factor, as is the “decoding ability” of the audience. Examining the bodies of the Senderistas was a form of divination—of reading their inner evil on the surface of their bodies.

In addition, stigma is an idiom of bodily difference, and this difference informs the “moral career” of the person who has been marked (Goffman 1963). The people of bad faith, transgressive wanderers who were only born to kill, the people of the plague—the mark burned into their flesh permitted a diagnostics of evil, blending juridical and religious methods of moral accusation.

Thus people began to kill one another, and for a time this was a means of constructing “community.” Indeed, members of one community told me they had buried many dead guerrillas below their village, on the steep slope that leads down to the

river. As they explained, “You know, before the houses here were always sliding down the hill; we kept trying to prop them up, but the cliff is too steep. But once we buried the terrucos down there, the ground stopped sliding and our houses stayed put.” Evidently, burying Senderistas down below bolstered the community, figuratively and literally.

A CHRONOLOGY OF COMPASSION

Reflecting on the process of the war, I have thought of the shifts in power and justice in terms of a chronology of compassion, underscoring the temporal construction of emotion and morality. If in one phase villagers began to kill each other, in another they began to remember their shared humanity and to act on the basis of those memories. As we shall see, they would mobilize the concepts and practices of communal justice to “convert the Senderistas into people again.” I believe that various factors contributed to this chronology of compassion—a dynamic chronology that reflected both the new equations of power as well as long-standing patterns of administering retributive and restorative justice in these villages.⁵

Decisions regarding what to do with the Senderistas reflected the perceived level of threat. During the first years of the war (1980-1984), when danger was great and allegiances in constant flux, communal boundaries were rigidified. As I have mentioned, villagers constructed the difference between “us” and “them”—and one goal was to keep “them” at a distance. This was the height of the killing between villagers; indeed, the people with whom I have worked refer to this phase of the violence as the war between *sallqakuna*—between people of the highlands.

However, by the end of 1984, the government had installed military bases throughout the region. Even though civil-military relations were tense and frequently abusive, villagers indicate that the installation of military bases lowered the fear of reprisals for taking a position against the guerrillas. Moreover, campesinos began to form the *rondas campesinas* that patrolled both the puna and within the communities themselves.

Talk of repenting and pardoning is talk about power. One person who placed power centrally in his genealogy of morals—and mercy—was Nietzsche. As he wrote,

As its power increases, a community ceases to take the individual’s transgressions so seriously, because they can no longer be considered as dangerous and destructive to the whole as they were formerly: the malefactor is no longer “set beyond the pale of peace” and thrust out. . . . As the power and self-confidence of a community increase, the penal law always becomes more moderate; every weakening or imperiling of the former

5. I do not believe that retributive and restorative justice are distinct or opposing forms of justice, as Desmond Tutu (2000) has argued. Rather, I find that retributive emotions are very common and not intrinsically “Western” and that some form of punishment may be conducive both to the reincorporation of the perpetrator as well as to restoring social relations among transgressors and those they have wronged. For a discussion of the centrality of vengeful emotions in the townships of postapartheid South Africa, see Wilson (2001). For a fascinating analysis of revenge and its construction as a “base” emotion, see Jacoby (1988).

brings with it a restoration of the harsher forms of the latter. It goes without saying that mercy remains the privilege of the most powerful man. (Nietzsche 1967, 72-3)

At the height of the danger, the community could not afford to be patrolling both its perimeters as well as its interior, and mercy was severely restricted. However, as “community” was reconfigured and strengthened, the longstanding emphasis on rehabilitation rather than execution of the transgressor influenced the response villagers had to those Senderistas who claimed they had been forced to kill. There would be a shift in moral discourse and practice. And there would be rituals to deal with those “liminal people” who wanted to deliver themselves to a human community.

PRACTICING JUSTICE

The first person who spoke openly to me about the *arrepentidos*—literally the “repentant ones,” referring to the ex-Senderistas—was mama Marcelina. She was extraordinarily candid with me from the first moment we met, which was exceptional and surprised me. As she explained the first time I visited, her dead husband had appeared in her dreams the night before, telling her that a gringa was going to visit. He assured her that even though most gringos are dangerous, this gringa would be affectionate. She smiled and patted my knee a few times as she recounted her dream.

Marcelina had *el don de hablar*—literally, the gift of speaking. She did not merely tell her stories; she performed them. Spindles became knives, held to the throat to demonstrate how the Senderistas had threatened her. She wrapped my scarf tightly around my head to show me how the guerrilla had hidden their faces with masks, leaving only their evil, squinting eyes shining out from the depths. *Hacendados* (large landowners) who had left the zone after the Agrarian Reform of 1968 were resuscitated, screeching “*Indios, indios!*” in an imperious tone. History came alive in her store—and part of that history concerned those who had fallen out of humanity, as well as those who arrived in the village begging for a way back in.

“They repented for the suffering they endured there in the mountains,” she told me. “Oh how they suffered, day and night, always walking. So they would come down to the villages. There in the puna, they began to think, ‘I’ll go down and present myself,’ they said. ‘Surely the villagers (comuneros) won’t kill me,’ they thought.”

“And what happened when they arrived here?” I asked. “What did they say?”

“They would arrive saying they had been tricked, forced to kill, always walking. ‘Pardon me,’ they begged. ‘Pardon me,’ they would beg the community.”

I spent several hours while Marcelina described in detail how the villagers received the *arrepentidos*.

“‘Are you going to stop being like that?’ they asked them. If they were going to, we accepted them. ‘But careful, don’t let the Senderistas enter here.’ We asked them over and over again, ‘Are you going to let the Senderistas enter here?’ They promised they wouldn’t. We asked them if they could forget they had learned to kill. They promised they could. So, questioning and questioning, they accepted them. *Pues, runayaruspanku*

[they could be people again]. They were peaceful and they weren't going back to Senderismo. They were watched, they were watched for where they might go, night and day. And when they didn't go back, then they were *común runa igualña*—common people like us.”

I wanted to know more. I thought about the *quejas* (legal complaints or cases) I had seen in the villages, which prompted me to ask her, “Did they punish them? Did they beat them when they came to repent?”

Marcelina nodded her head. “Oh yes, the authorities whipped them in public. They were whipped, warning them what would happen to them if they decided to return [to being Senderistas]. Whipping them, they were received here.”

I was trying to capture some sense of chronology. It is not an exaggeration to say that no woman I spoke with used dates when narrating her life, the war years—no dates entered into their narratives. So I asked Marcelina about the soldiers, knowing their sustained presence in the base began in early 1985. She answered, “The soldiers were ready to kill them. They killed them. That's why the arrepentidos asked the community not to say anything to the soldiers. ‘Please, don't say anything to them or they'll kill me.’ That's how they pleaded, oh how they pleaded, sobbing. So they didn't tell the soldiers. The soldiers killed them, even the children, the women—they killed them. Below in the gorge, they buried so many of them. To kill them, the soldiers made them dig a hole. Once they killed them, they buried them there. When we heard shots, we would say ‘It's over, they killed the poor people.’”

I wanted to follow the decisions made with respect to turning people over to the soldiers. “When did the community kill the arrepentidos and when did they accept them?”

Marcelina explained, “When they repented, then they accepted them. When they didn't repent, they were turned over to the soldiers. When they pleaded, crying, crying, they beat them with *chicotes* [braided leather whips] and the people here understood them. They couldn't kill them. *Común runakuna* [common people] couldn't kill them.”

“Mama Marcelina, did they only accept arrepentidos from here or from other villages as well?”

“From other places, *pues*,” her *pues* letting me know the answer seemed obvious. “When they repented, they stayed here as though they were from here. *Qinan llaqtayarun* [becoming fellow villagers], they stayed here and didn't go anywhere else. So they stayed and are here now, without going to the jungle, to Huanta, going nowhere. As if they were from here—they remained. So we lived peacefully together. *Runayarunkuña* [becoming human beings again], not Senderistas anymore. They said, ‘If I was walking with them, it was because they took me with a knife, with bullets, with threats.’ Fearing for their lives, they stayed here. How they had suffered, walking at night, with rain and without rain, eating or not eating. Out of fear they escaped and delivered themselves to this village.”

“Mama Marcelina, when they delivered themselves, were they alone?”

She shook her head. “The men delivered themselves with their wives, their children. That's how they lived. They always escaped man-woman. When a man presented

himself alone, he would then go back to bring his wife and children. He would talk with the authorities so he could bring his family.”

“But, they never escaped alone?” I wondered.

“Yes, but when they came alone the soldiers grabbed them and killed them. Or sometimes they took them to Castro [Castropampa, the military base in Huanta]. But those who arrived with their wives and children, no.”

The reasoning was complex, and I tried my best to understand. Marcelina repeated herself: “They confessed, they would come, asking if they could bring their families. If they arrived alone, we would turn them over to the soldiers. If they arrived alone, there was more distrust. ‘What if they have only come to plan another attack?’ we thought. But when they arrived as families, we had more trust. They could be *runakuna* [people] again.”⁶

The emphasis on confession and repentance is striking. In his analysis of confession in law and literature, Brooks (2000, 2) argues, “The confessional model is so powerful in Western culture, I believe, that even those whose religion or nonreligion has no place for Roman Catholic practice of confession are nonetheless deeply influenced by the model. Indeed, it permeates our culture, including our educational practices and our law.” Moreover, “Confession of wrongdoing is considered fundamental to morality because it constitutes a verbal act of self-recognition as wrongdoer and hence provides the basis of rehabilitation. It is the precondition of the end to ostracism, reentry into one’s desired place in the human community. To refuse confession is to be obdurate, hard of heart, resistant to amendment” (p. 2). In short, to be a “moral monster.”

The moral script that one must enact is reminiscent of Connerton’s (1989) emphasis on the cult enacted, which, as Connerton tells us, draws upon the body. He is writing about commemorative ceremonies, but I think we can extend his argument to the rituals of justice, which in part commemorate the moral community as a social group that must be maintained.

What, then, is being remembered in commemorative ceremonies? Part of the answer is that a community is reminded of its identity as represented and told in a master narrative. . . . Its master narrative is more than a story told and reflected on; it is a cult enacted. An image of the past, even in the form of a master narrative, is conveyed and sustained by ritual performances. . . . For if the ceremonies are to work for their participants, if they are persuasive to them, then those participants must be not simply cognitively competent to execute the performance; they must be habituated to those performances. This habituation is to be found—in ways about which I shall have more to say subsequently—in the bodily substrate of the performance. (Connerton 1989, 70-1)

6. I emphasize that these processes were practiced in other regions as well. For instance, from 2001 to 2003, I directed a project on community mental health, reparations, and reconciliation with the Ayacucho office of the TRC. Included in our case studies was the Apurímac and Ene River Valley (VRAE), another region heavily affected by the political violence. Numerous local authorities described how they had reincorporated former guerrillas during the war; included in their motivations for doing so was the usefulness of such strategies to their counterinsurgency efforts. Allowing *Senderistas* to rejoin their communities and participate in the peasant patrols was a way of reducing the guerrillas’ numbers and making use of the weapons training that the *recuperados* (the “recuperated ones” or ex-guerrillas) had received.

To enact the moral script requires more than memorizing the lines: as villagers told me, “The words must come from the heart and not just from the mouth outward.” As Marcelina and others made clear, the performative aspects of justice were crucial and the performance itself judged. Confessing, atoning, sobbing, apologizing, begging, promising—sincerity would depend on both words and action.

At times, words and action meld. In his work on the sociology of apologies, Tavuchis (1991, 22) argues, “An apology is first and foremost a speech act,” and that apology is “concerned with the fundamental sociological question of the grounds for membership in a designated moral community” (p. 7). In these particular moral communities, biblical narratives inform public apologies. People did not refer to the Bible to explain what happened—villagers did not speak *about* religion but rather spoke *with* religion. Biblical narrative conventions reflected and contoured individual and communal histories—and the moral scripts that infuse popular justice. And these moral scripts reflect both strands of Christianity: restoration and retribution (Jacoby 1988).

As my conversations with Marcelina—and my observation of the communal adjudication of many *quejas* (complaints)—reveal, the administration of justice in these villages is highly syncretic, based in part on sacramental principles. When I refer to syncretism, I am not only referring to these sacramental principles but also to the blending of theology, politics, economics, and law.

In addition, there is a focus on how much the *arrepentidos* suffered and the use of corporal punishment as part of the rituals of reincorporation. In these communities, villagers combine the religious tradition of confession—the curing of souls and the reaffirmation of community—with legal confession and the need for a process of judgment and punishment. In these juridico-religious practices, both restorative and retributive justice are administered. There is a place for both Christian charity as well as righteous wrath and an emphasis on settling accounts between perpetrators and those they have injured.

I reflect upon the debates regarding punishment and deterrence. It may well be that punishment does not deter the criminal contemplating robbery or murder; however, perhaps retribution has a deterrence effect on those who have been wronged. Arendt (1958) suggested that it is retribution and forgiveness that break the cycle of vengeance. The administration of both retributive and restorative justice may be what permits the reincorporation of those who wandered in the *puna*, cast out of the community of mankind.

MAKING PEOPLE

Judicial space is, before all else, not a tangible physical space, but rather a psychological construction.

—Jean Carbonnier (1994), *Sociología Jurídica*, p. 173

In the process of constructing the enemy, I explored how the Senderistas were stripped of their human characteristics, making them radically “other.” As one may

imagine, an important component of administering communal justice was directed toward allowing the *arrepentidos* to recover their human status.

For villagers, their assessment of the *terruckuna* depended in part on the *grado de delito*—the seriousness of the crime. People seeking to come back were referred to as *arrepentidos*, *concientizados*, *rescatados*, and *engañados* (repentant, consciousness raised, rescued, tricked/duped). The terms reference a descending degree of culpability, which involved the question of conscience and the awareness of what one was doing.

A concept fundamental to the assessment of accountability is *uso de razón*—the use of reason. This is a term that cuts across social fields: in the religious sense, it is the age at which a child can commit sin; in the political sense, it is related to accountability as a member of the community; in a legal sense, it refers to the capacity to discern right from wrong. Children are said to acquire the *uso de razón* around the age of six or seven; this is also the age at which children are said to remember things. Identity is understood as fluid and mutable. Human status is achieved; thus, it can be both lost and regained. Just as the *uso de razón* makes *criaturas* (infants and small children) more fully human, so does the accumulation of memory. When parents spoke to me about their children, they differentiated their older children from the younger ones by using *yuyaniyuq* for the older ones. *Yuyay* is Quechua for “remember,” and the older children were described as the remembering ones, in contrast to little children who are *sonsos* (witless, senseless). People with *mucha memoria* are considered better people, more intelligent—and they have more *conciencia*.

The question of conscience and culpability figures into national legal standards as well. In the *Diccionario para Juristas*, *uso de razón* is defined as “possession of natural discernment that is acquired passing through early childhood; the time during which discernment is discovered or begins to be recognized in the acts of the child or individual” (de Miguel Palomar 2000, 1597). *Discernimiento* refers to the capacity to judge, to choose, to distinguish. Thus, *uso de razón* implies volition, memory, and the capacity to judge right from wrong. This is a central phase in becoming a moral person and entering communal life as an accountable member of the collective.

Conciencia is both conscience and consciousness, an important conflation of the two concepts. I heard, quite frequently, that although people had gone with the Senderistas, some had not realized what they were doing: *inconcientemente se fueron*—unconsciously they went, not fully aware of their actions. These people were also the *engañados*—tricked or duped by the guerrilla. *Engañado* is a term that works both ways; that is, “outsiders” use it disparagingly when referring to campesinos as illiterate, ignorant, and prone to believing whatever they are told. Villagers realize the insulting connotation of the word; however, they also use it strategically when it serves their purposes to be the “blameless dupes.” It is a way of shifting responsibility, as well as indexing how power imbalances shape their interactions with representatives of the state and *criollo* (“white”) Peruvian society.

Concientizados were those people who had been persuaded when the guerrillas came to *concientizar* villagers but did not willingly participate in combat. For instance, one community president insisted there were no *arrepentidos* in his village,

only people who had been *concientizados*. As he told me, “Arrepentidos are those who were combatants, or the *masas* [masses] that turned themselves in.” Thus, many of the people captured in the mountains were people who in one way or another had collaborated but were never, to borrow his term, *defensores conscientes de los terrucos*—conscious defenders of the terrucos. Thus, bringing them back was rescuing them (*rescatar*).

If you are a bit confused, that is precisely the point. Ambiguity is what allowed this to work. In contrast with positive law, which is based on categories that are mutually exclusive, these categories are porous and fluid. There is a gray zone in communal jurisprudence that allowed for a great flexibility in judging crimes (*delitos*) and transgressors, taking into consideration the particularities of each case. Ambiguity was a resource: in these villages, “unconsciously they went”—and if not, they could certainly try to maintain that it happened that way. The gray zone of jurisprudence left space for porous categories—and for conversions, moral and otherwise.

Becoming *runakuna* again is a moral conversion that carries with it a “change of heart.” The notion of purgation figures prominently: cleansing via confession and repentance are longstanding practices. Many villagers, both evangelical and Catholic, told me that “you must repent from the heart and not from the mouth outward. When we repent, we have clean hearts.” They assured me that “after repenting, we are *musaq runakuna*—new people. We are not who we were before.” Identity is highly relational, and when social relations change, so does the person. In addition, as don Jesús described, time changes and with it the people who pertain to that particular *tiempo* (time or epoch).

And thus the *puriqkuna* delivered themselves to the community, begging the villagers not to say anything to the soldiers in the base. The pleading, the questioning, the promises regarding what one would forget and what one would remember: there is a contractual morality established by this call and response. However, *contractual* sounds cold and legalistic: I prefer the term *social covenant* because there is a sacramental aspect to the administration of communal justice. In fact, it is said the terrucos *se entregaron* (delivered themselves) to the community; the same verb is used to speak about those who have delivered themselves to God.

Along with the rituals of confession and repentance, there were other elements that contributed to the rehabilitation of those who returned. One day I was looking over the *Actas Comunales* (written record of communal meetings) of one village, and I opened the book to the first page: “Act of the Assembly carried out this day the 18 of February 1986 in the campesino community of [anonymous] in the jurisdiction of the province of Huanta and the department of Ayacucho.” Among the items on the agenda were “talk about the abandoned lands without owners,” give the lands to the “*recogidos* and others” (terms I will explain shortly), and the need to apply for a loan from the Ministry of Agriculture to buy fortified seeds.

I did not know how to interpret the first two items on the agenda. Fights over land are eternal in rural Latin America; however, here the villagers were giving land to the “*recogidos* and others.” Who were they?

Spanish speakers will already have noted that *recogido* is really not a word. However, we must remember that these villagers are Quechua speakers, and at times, unknown Spanish words are heard in such a way that people can make sense of them. Prior to the political violence, there were no refugees (*refugiados*) in the highlands. Certainly, people moved about, and not always of their own volition. However, the category “refugiado” was a product of the war: the term figured in the state discourse, that of the soldiers and on the radio. *Refugiados* was heard as *recogidos*, making sense both of the word as well as its meaning.⁷ *Recoger*—to gather up, to take in, to shelter. Precisely what villagers were doing with the *arrepentidos*. “*Recogidos* (the gathered up ones, the taken in ones, the sheltered ones) and others” were in fact those who had come from other places seeking refuge; they were also those unnamed people who came in search of redemption.

February 18, 1986. The entry begins with a list of the abandoned lands. Some of the owners had been killed, and others had migrated to the cities for security purposes. When family members remained, the land passed to them. However, some lands were retained for communal use, leaving those parcels that were given to the *personas recogidas y otros*. They referred to these parcels as *volto arroyo*, meaning they were located along the bank of the river below the village. The river ran the length of the gorge below, where the dead Senderistas were buried. The *arrepentidos* would be kept close, and those shallow graves would remind them that they had escaped a similar fate.⁸

But there is something else behind the distribution of land. On one hand, working on communal land was a form of atonement.⁹ On the other hand, this involved the *arrepentidos* in reciprocity, in social networks. As mama Marcelina explained to me, “So that they could work, the community divided up land. So they could build homes, they gave them land, and land to work. They are still working, and like us they are eating. They became *runa masinchik*—people we work with, people like us.”

Runa masinchik—people with whom we work—reflects the dominant moral ideology. There is a great cultural value placed on reciprocity, and this is expressed in various forms of collective labor (Isbell 1978; Peña Jumpa 1998). In her study of customary law in Peru, Tamayo Flores (1982) noted the importance of communal forms of labor such as *faenas* and *ayni* in the highlands. These forms of communal

7. The correct noun form of *recoger* would be *recogidos*; however, as I have suggested, people interpreted *refugiados* by blending the term with a verb that was familiar to them.

8. In her ethnography of a Quechua-speaking community, Catherine Allen (1988) describes a ceremony called *Chacra Mañay*. It takes place in February, when communal authorities distribute the land that has returned to the community due to the death of the owner(s) or their permanent migration. The assembly I analyze here occurred in February 1986, immediately following the worst years of the war in terms of the number dead or internally displaced. I have not encountered another assembly of this sort in the *Libro de Actas* of this particular community, but it would be interesting to explore this practice in other communities that suffered great loss of life during the internal armed conflict.

9. Elsewhere, I have explored how working for the good of the community or the individuals one had wronged was a form of reparation and that such practices also seek to close the gap between victims and beneficiaries (Theidon 2004). This form of communal justice was one component of a political economy of forgiveness, and I underscore the importance of redistributive justice in the reconstruction of social relationships.

labor establish interdependence among the villagers who participate in them and are practiced due to the rugged geography of the region, which makes it virtually impossible to introduce technology. Thus, access to communal labor is a necessity for survival, requiring cooperation between families and communities.

However, to treat labor agreements as strictly material or economic configurations obscures the symbolic dimension of these agreements. *Ayni*—the reciprocal exchange of manual labor—is also an ethical concept: working together and establishing mutual obligations makes “good people.”¹⁰ Reciprocity constructs social networks, although not without a hierarchical dimension (Stern 1982).

In addition to involving the *arrepentidos* in mutual obligations, giving them land illustrates another key component in making *runakuna*. I remind the reader of the terms used to describe the Senderistas, one of which was *purikuna*—those who walk or wander. Transgressive vagabonds without ties to a place or to family are suspicious people. One form of “making people” is via “emplacement” strategies; consequently, land was distributed and worked, and there was internal vigilance to make certain that certain people stayed in their place.

Thus, concepts and practices of communal justice were mobilized to rehabilitate the *arrepentidos*. One afternoon, I was talking with a group of women when I remembered the mark that identified the Senderistas. I asked the women what happened with the mark—the mark burned into the flesh of their forearms.

“Ah, when they began to act like *runakuna*, the mark disappeared,” replied mama Justiniana.

“Yes,” added mama Izarceta, “the mark disappeared when they became *runakuna* again.

And so the “moral stain” disappears. However, in his study of stigma, Goffman (1963, 9) observed that the repair of stigma means passing from someone with stigma to someone who has corrected a particular stigma. The mark disappears, but not the memory of it. Hence the emphasis in so many conversations on the need to *recordar, pero sin rancor*—to remember but without rancor. The goal is to live with the memories but without the hatred, and this effort to stay the hand of vengeance does not imply forgiveness per se.

Indeed, villagers differentiate between “forgiveness” and “reconciliation.” As I have discussed, the perpetrator must ask for forgiveness (*perdón*) in front of the community in a general assembly, and community members judge if the request for *perdón* “comes from the heart or from the mouth outward.” Forgiveness must also come from the heart. Villagers insist that no body can force one person to forgive another; it is a subjective state.

In contrast, villagers define reconciliation as coexistence. It consists of restoring sociability and the trust necessary to cooperate with others on collective life projects. It is a social state that responds to the exigencies of daily life and the idea that after repenting, the person is no longer who he or she was before. Rather, the *arrepentidos* are *musaq runakuna*—new people. However, this does not imply equality for

10. I thank Chema García for an informative conversation regarding the concept of *ayni*.

those who have “converted back” since villagers live in a world of difference and stratification. Coexistence, not equality, defines the common good.

NATIONAL RECONCILIATION?

El Perú will never forgive, will never forget, and will never pardon that which it has suffered and that which it has lived.

—Former president Alán García, in testimony before the TRC, June 12, 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). The conciliatory practices that campesinos have elaborated have been very successful in terms of reincorporating arrepentidos and in breaking the cycle of revenge in these communities. 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.” Again, we see an emphasis on apology, the administration of justice, and 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 (2001) 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 the local level. 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 local level. 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.

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 (2003) *Final Report*, members of the criollo political elite lined up to distance themselves from the very idea of recon-

11. Former president Alán García, *Correo*, August 14, 2003.

ciliation. Their declarations were multiple and adamant: “There is no reconciliation possible with the assassins of Shining Path,”¹¹ and “With Shining Path there can be no pact, no political solution and no form of reconciliation.”¹² 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.¹³ 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

12. Congressperson Lourdes Flores Nano, *La República*, August 10, 2003.

13. 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.

little more than the reconfiguration of elites' pacts of domination or governability unless these national processes are articulated with social reconstruction at the local level. 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. My research with communities in Ayacucho prompts me to assert that "national reconciliation" is several steps behind the transitional justice that campesinos have elaborated and practiced in the face of the daily challenges of social life and governance at the local level where intimate enemies must live side by side.

CONCLUSIONS

I began this text stating that one of my goals was exploring the possibilities and limitations of communal forms of administering justice. I think there is a great deal to be learned in postwar contexts by studying preexisting conciliatory practices that respond to the needs of daily life and governance. Reconciliation is forged and lived locally, and state policies can either facilitate or hinder these processes.

I stress the word *processes*. Akhavan (1998, 738) has suggested that "beyond a mere recital of objective facts, however, reconciliation requires a shared truth—a moral or interpretive account—that appeals to a common bond of humanity." Reconciliation is an ongoing process of replacing antagonistic memories with memories of previous social bonds—and of replacing a recent history of fratricidal violence with a history that recalls longstanding practices that condemned the taking of human life.

When we have explained to villagers what is meant by the term *reconciliation*, they have nodded: "That's what *pampachanakuy* is." In Quechua, *pampachanakuy* refers to "burying something between us" and involves practices such as those I discussed in the northern heights of Ayacucho.

However, the dead are very active in the lives of the living. I reflect upon various funerals I have attended in rural Peru and the conversations regarding just how deep the hole should be or how tightly to pack down the earth because "this one just might try to get out" or "you know she'll be looking for some way to come back." The restless dead who wander—the earth packed tightly to keep the body there. That which is buried between us—*pampachanakuy*—is not "settled once and for all." Rather, the earth may shift, the dead may rise, and that which was buried in the past lingers among us in the present. And thus these villagers continue to reconcile and to rebuild a human way of life.

REFERENCES

- Akhavan, Payam. 1998. Justice in The Hague, peace in the former Yugoslavia? A commentary on the United National War Crimes Tribunal. *Human Rights Quarterly* 20 (4): 737-816.
- Allen, Catherine. 1988. *The hold life has: Coca and cultural identity in an Andean community*. Washington, D.C.: Smithsonian Institution Press.

- Apter, David E. 1997. *The legitimization of violence*. New York: New York University Press.
- Arendt, Hannah. 1958. *The human condition*. Chicago: University of Chicago Press.
- Brooks, Peter. 2000. *Troubling confessions: Speaking guilt in law and literature*. Chicago: University of Chicago Press.
- Carbonnier, Jean. 1994. *Sociología Jurídica*. Paris: Presses Universitaires de France.
- Connerton, Paul. 1989. *How societies remember*. Cambridge, UK: Cambridge University Press.
- Coronel Aguirre, José. 1995. Reconstrucción del Tejido Social y el Estado. Paper presented at Foro Nacional Sobre Desplazamiento Interno Forzado, July 13-14, Lima, Peru.
- Degregori, Carlos Iván. 1990. *Ayacucho 1969-1979: El Surgimiento de Sendero Luminoso*. Lima: Instituto de Estudios Peruanos.
- Degregori, Carlos Iván, José Coronel, Ponciano Del Pino, and Orin Starn. 1996. *Las rondas campesinas y la derrota de Sendero Luminoso*. Lima: Instituto de Estudios Peruanos.
- de Miguel Palomar, Juan. 2000. *Diccionario para Juristas: Tomo I*. Mexico, DF: Editorial Porrúa.
- Falk Moore, Sally. 1986. *Social facts and fabrications: 'Customary' law on Kilimanjaro 1880-1980*. Cambridge, UK: Cambridge University Press.
- Goffman, Erving. 1963. *Stigma: Notes on the management of spoiled identity*. Chicago: University of Chicago Press.
- Isbell, Billie Jean. 1994. Shining Path and peasant responses in rural Ayacucho. In *Shining Path of Peru*, 2nd ed., edited by David Scott Palmer, 127-53. New York: St. Martin's.
- Jacoby, Susan. 1988. *Wild justice: The evolution of revenge*. New York: Harper & Row.
- Levi, Primo. 1995. *Survival in Auschwitz*. New York: Touchstone.
- Manrique, Nelson. 1989. La década de la violencia. *Margenes*. Lima, Peru: Casa de Estudios del Socialismo Sur, 56.
- Nietzsche, Friedrich. 1967. *On the genealogy of morals*. New York: Random House.
- Nordstrom, Carolyn, and JoAnn Martin. 1992. The culture of conflict: Field reality and theory. In *The paths to domination, resistance, and terror*, edited by Carolyn Nordstrom and JoAnn Martin. Berkeley: University of California Press.
- Peña Jumpa, Antonio. 1998. *Justicia Comunal en los Andes. El caso de Calahuyo*. Lima, Peru: PUCP.
- Sieder, Rachel. 1997. *Customary law and democratic transition in Guatemala*. London: University of London, Institute of Latin American Studies.
- Silverblatt, Irene. 1987. *Moon, sun and witches: Gender ideologies and class in Inca and colonial Peru*. Princeton, NJ: Princeton University Press.
- Starn, Orin. 1995. To revolt against the revolution: War and resistance in Peru's Andes. *Cultural Anthropology* 10 (4): 547-80.
- Stern, Steve J. 1982. *Peru's Indian peoples and the challenge of Spanish conquest: Huamanga to 1640*. Madison: University of Wisconsin Press.
- . 1998. De la memoria suelta a la memoria emblemática: Hacia el recordar y el olvidar como proceso histórico. Paper presented at the "Collective Memory of Repression in the Southern Cone in the Context of Democratization Processes" workshop, November 17-18, Montevideo.
- Tamayo Flores, Ana María. 1982. *Derecho en los Andes: Un estudio de antropología jurídica*. Lima, Peru: Centro de Estudios País y Región.
- Tavuchis, Nicholas. 1991. *Mea culpa: A sociology of apology and reconciliation*. Stanford, CA: Stanford University Press.
- Teitel, Rudi G. 2002. *Transitional justice*. Oxford, UK: Oxford University Press.
- Theidon, Kimberly. 2004. *Entre prójimos: el conflicto armado interno y la política de la reconciliación en el Perú*. Lima: Instituto de Estudios Peruanos.
- Truth and Reconciliation Commission (TRC). 2003. *Final report*. Lima, Peru: Truth and Reconciliation Commission.
- Tutu, Desmond. 2000. *No future without forgiveness*. New York: Image.
- Wilson, Richard. 2001. *The politics of truth and reconciliation in South Africa: Legitimizing the post-apartheid state*. Cambridge, UK: Cambridge University Press.