

## **Law in Peace Negotiations**

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**E-Offprint:**

Roger Petersen and Sarah Zukerman Daly, “Revenge or Reconciliation: Theory and Method of Emotions in the Context of Colombia’s Peace Process”, in Morten Bergsmo and Pablo Kalmanovitz (editors), *Law in Peace Negotiations*, 2nd edition, Torkel Opsahl Academic EPublisher, Oslo, 2010 (ISBNs: 978-82-93081-08-1 (print) and 978-82-93081-09-8 (e-book)). This publication was first published on 26 March 2009. The Second Edition was published on 23 July 2010. TOAEP publications may be openly accessed and downloaded through the web site [www.toaep.org](http://www.toaep.org) which uses Persistent URLs (PURLs) for all publications it makes available. These PURLs will not be changed and can thus be cited. Printed copies may be ordered through online distributors such as [www.amazon.co.uk](http://www.amazon.co.uk).

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2010

## **Revenge or Reconciliation: Theory and Method of Emotions in the Context of Colombia's Peace Process**

**Roger Petersen and Sarah Zukerman Daly\***

### **8.1. Introduction**

This chapter seeks to address a few common sense propositions relating to societies seeking post-violence reconciliation:

- First, human beings naturally and strongly react if they become victims of violence. This reaction may take many forms, but most essentially, individuals experience the emotion of anger.
- Second, when anger dominates an individual's life, cognitive processes become distorted and, perhaps most crucially, preferences change and the individual may become obsessed with vengeance.
- Third, communities and societies filled with individuals saturated with anger and the desire for revenge will find it difficult to achieve "reconciliation". The term reconciliation needs to take on different meanings in different societies. Reconciliation will mean something different in South Africa's post-apartheid society than it will in Colombia. However, in all cases a minimum requirement for reconciliation is that individuals do not wish to commit violence against their neighbours or continually punish

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former opponents. States emerging from violence require integration of former combatants, a strong sense of the rule of law, government legitimacy and citizen participation in government institutions. If a substantial proportion of the population is driven by anger and vengeance, all of these goals will be difficult to achieve.

Given these three points, a few conclusions follow. At a fundamental level, reconciliation requires the diminishment of anger. To a considerable extent, justice is related to the emotion of anger and justice is achieved when victims' anger at perpetrators' crimes greatly recedes. When anger recedes to a sufficiently low level, society as a whole, as well as the victims, can get on with a "normal" life. Some peace activists, political leaders and scholars concentrate on creating positive psychological phenomena such as hope and forgiveness.<sup>1</sup> Certainly, these are worthy goals, but the complexity of such phenomena is daunting and often impossible to achieve in the short and medium term. In the beginning stages of a process of reconciliation it may be more useful and realistic to strive for the absence of negative phenomena rather than the creation of positive ones. It may be better to strive for the absence of anger, or in other terms, indifference.

Across the world today, many processes of transitional justice are unfolding. In most of these cases, the actors employ concepts of emotion. However, the assumptions behind these conceptions are seldom made explicit nor are emotions treated as causal mechanisms. In response, this article defines emotions, particularly the emotion of anger, and specifies their effects. It then incorporates these well-defined emotional causal mechanisms into an analysis of the reconciliation process in Colombia. Currently, there are implicit assumptions about how emotions affect the implementation of punishment, reparations, and truth within the application of Colombia's Justice and Peace Law. Here, we make those assumptions explicit, discuss how they can be used to formulate hypotheses, and propose a research design for testing the hypotheses underpinning the Law.

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<sup>1</sup> See, for example, Desmond Tutu, *No Future without Forgiveness*, Doubleday, New York, 1999.

## 8.2. A Brief Description of the Colombian Situation

Over the past four decades, the Colombian conflict has touched every region of the country. In the past 20 years alone, violence has taken the lives of at least 70,000 people, internally-displaced 3.5 million, and tortured, “disappeared”, and kidnapped tens of thousands.<sup>2</sup> This violence has been committed by a variety of groups, not only by guerrillas, urban militias, criminals, and narco-traffickers, but also paramilitary groups with at least tacit linkages to the military. Between 1997-2005, the paramilitaries alone killed 9,354 individuals, tortured 990, disappeared 1,694 and displaced a large fraction of the internally displaced persons.<sup>3</sup>

These national level numbers are staggering, but they do not provide a sense of the regional and local realities of violence. Vicious cycles of violence are clearly subject to strong regional variation in Colombia. This variation reflects differences in the armed groups’ governance strategies and their degree of territorial control. As Arjona describes, in Ovejas, paramilitaries maintained order through massacres and terror while in Cereté, the ELN established order through peaceful governance.<sup>4</sup> We thus observe significant differences in levels of killing across space and time, with violence following the migration of the paramilitaries and guerrillas across Colombia’s territory.

Repeated violence across a long period of time develops its own local life. This was especially true of an earlier period of Colombian history, referred to as “*La Violencia*” (1948-1958), a period in which Conservatives and Liberals killed each other in deadly, and often local, spirals. As Robin Kirk summarizes,

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<sup>2</sup> CINEP, *Deuda con la Humanidad: Paramilitares del Estado en Colombia 1988-2003*, CINEP, Bogotá, 2004, and CINEP, *Revista Noche y Niebla*, No. 30 (2004) and No. 31 (2005). Amnesty International, “Colombia: The Paramilitaries in Medellín: Demobilization or Legalization?” (2005).

<sup>3</sup> *Ibid.*

<sup>4</sup> Ana María Arjona, “Legal Orders in Civil Wars: a Local-Level Perspective”, presentation for the Conference *Peace and Accountability in Transitions from Armed Conflict*, 15-16 June 2007, Bogotá, Colombia.

These were not crimes between strangers, but acts of astonishing violence between people who had known each other their whole lives. Called “*La Violencia*”, the struggle that rapidly consumed Colombia, was personal. Grand political fortunes were at stake, but so too were simmering land disputes, municipal rivalries, indiscretions, ambitions, and the affairs of the heart and gonads. Most of the killers were town men or of peasant stock, immersed in a world little different than that of their parents, grandparents, or even great-grandparents. So were the victims. The people who killed often knew their victims well, had known them since childhood, and had even been playmates, friends, family or neighbors.

Once blood had been shed, it was answered with more blood, in a spiral that devoured whole families. Vengeance is a theme that runs deep and true through Colombian history, the “scorpion in the breast”, to quote Colombian novelist Jose Eustacio Rivera, that “stabs at any instant with its stinger”. People killed to pay back other killings, to even the score left by Gaitan’s death, the War of a Thousand Days a half century earlier, the loss of land, of pride, of control. Often, killers left notes claiming responsibility for atrocities, ensuring that survivors were clear on their authorship.<sup>5</sup>

These local dynamics reappear in recent examples and data. León 2005 tells the story of Barrancabermeja, a typical Colombian

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<sup>5</sup> Robin Kirk, *More Terrible than Death: Massacres, Drugs, and America’s War in Colombia*, Public Affairs, New York, 2003, p. 25. In this work, Kirk argues passionately against seeing Colombia’s violence as resulting from a specific national “culture of violence”. Our position is that anger and the desire for revenge is a natural part of human nature and is found across a wide set of cases and time. For instance, the Law of Talion and innumerable instances of revenge in literature and religion (Medea, Oresteia, Hamlet, Tess, Cain’s killing of Abel, God’s expulsion of Adam and Eve, “an eye for an eye”) and in politics (in Corsica, the Balkans, Sudan, feudal Japan and the southern United States) attest to the power and universality of the desire for vengeance. See, for example, Roger V. Gould, “Revenge as Sanction and Solidarity Display: An Analysis of Vendettas in Nineteenth-Century Corsica”, *American Sociological Review* 65(5): 682-704.

town that has suffered waves of killing and counter-killing.<sup>6</sup> First it became an “incubator” of the ELN guerrillas in the 1980s that infiltrated the lower-class neighbourhoods, local politics, and the unions. In response to this “dangerous” symbiotic relationship between the ELN and the local population came brutal police repression at levels incommensurate to the scale of the strikes and protests. Indiscriminate repression in turn drove angry civilians into the arms of the ELN and FARC who consolidated control over the region. Then, in 2001, the paramilitaries stormed Barranca, killing hundreds as they seized control over the territory and punished, in waves of reprisals, all civilians suspected of sympathizing with the guerrillas.<sup>7</sup>

In each round of offensives, there are fatalities and displacement that generate a new population of victims experiencing the emotion of anger. Some of these are impelled to take their desire for revenge and justice into their own hands. Figures can also be broken down by localities or groups. In Medellín, 25% of those joining the paramilitary *Bloque Cacique Nutibara* did so for reasons of personal revenge related to the death of a loved one. Another 25% joined due to external threats. Only 23% joined for economic reasons.<sup>8</sup>

Cognizant of the need to break these vicious cycles of killing, the Colombian government has embarked on a process of demobilization and reconciliation. This process is founded on law number 975, better known as the Justice and Peace Law. The law calls for a three-pronged process of truth, reparations, and punishment. On truth, individuals must make a full and honest confession of their actions in order to receive the full benefits and leniency of the law. On reparations, a newly-created court establishes both monetary and symbolic compensation. Furthermore, this court calls both individuals and collectives to account. For example, the Court ruled that reparations to victims must not be limited to the illicit assets held by ex-paramilitaries; all mem-

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<sup>6</sup> Juanita León, *País de Plomo: Crónicas de Guerra*, Aguilar, Bogotá, 2005.

<sup>7</sup> 403 homicides were reported in Barranca in 2001.

<sup>8</sup> Gustavo Villegas, Director of the Peace and Reconciliation Program, Office of the Mayor, Medellín, in untitled chapter in Cynthia J. Arnson, *The Peace Process in Colombia with the Autodefensas Unidas de Colombia-AUC*, Woodrow Wilson International Center for Scholars, Washington, D.C., 2005, pp. 31-32.

bers of the same paramilitary bloc (unit) are to be held responsible for crimes committed by members of that bloc and will be liable for reparations.

While truth and reparations are highly significant innovations in this reconciliation process, punishment is central. First, it represents a complete reversal of past policy. In the past, combatant leaders were enticed into laying down their arms with offers of amnesty. The Betancur administration set a norm when it offered unconditional amnesty and pardon to guerrillas in 1982. In the proceeding years, the norm in Colombia became a cycle of conflict followed by amnesty, then reinsertion, then conflict again.<sup>9</sup> Today, Colombian political leaders emphasize that there can be no impunity.<sup>10</sup> Reconciliation demands punishment. Colombian leaders have tied their hands on this issue by allying with international human rights organizations. Michael Fruhling, the Director of the United Nations Office of the High Commissioner for Human Rights in Bogotá, writes,

In order to overcome an internal armed conflict like the one in Colombia, impunity must not be reproduced or accepted. Impunity has been and still is one of the biggest problems Colombia faces, and undermines and distorts the very principles of a democratic state aspiring to the rule of law.<sup>11</sup>

Why have Colombians come around to the position that punishment is necessary to break cycles of violence? While some of the an-

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<sup>9</sup> For an overview of negotiations, see Marc Chernick, "Negotiating Peace and Multiple Forms of Violence: The Protracted Search for a Settlement to the Armed Conflicts in Colombia", in Cynthia J. Arnson, ed., *Comparative Peace Processes in Latin America*, Stanford University Press, 1999. Law 35, operative 1981-1986, was the law of "olvido y perdón en pro de la paz" (Law of forgetting and forgiveness in favour of peace).

<sup>10</sup> In practice, many criticize the Justice and Peace Law as amnesty. See Fédération Internationale des Ligues des Droits de l'Homme (FIDH), "Colombia: La Desmovilización Paramilitar, En los Caminos de la Corte Penal Internacional," 481 (2007).

<sup>11</sup> Michael Fruhling, Director, Office of the United Nations High Commissioner for Human Rights, Bogotá, in Cynthia J. Arnson, *The Peace Process in Colombia with the Autodefensas Unidas de Colombia-AUC*, p. 69.



swer has to do with creating the conditions for future deterrence, the impulse toward punishment seems more based on an intuitive understanding that punishment, the diminishment of anger, and justice are all inextricably linked. The following sections attempt to draw out this intuition by unpacking the roles of emotion, anger and punishment.

### 8.3. Defining Emotion in General Terms<sup>12</sup>

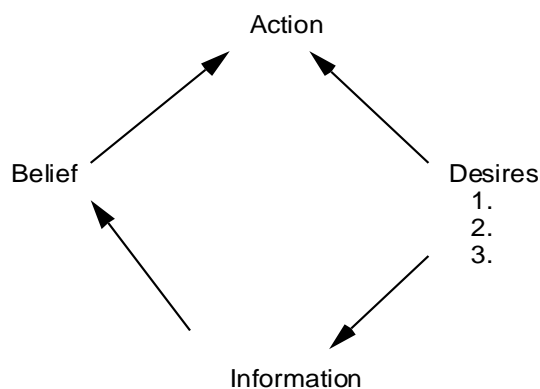
Emotions are commonly defined and differentiated by five characteristics: arousal, expression, feeling, cognitive antecedent and action tendency. The latter two, cognitive antecedent (belief) and action tendency (an urge toward a specific type of action), are most relevant here. To oversimplify, emotions often proceed from cognitions or beliefs about events or objects. Following many socially oriented theorists, emotion can be conceptualized as “thought that becomes embodied because of the intensity with which it is laced with personal self-relevancy”.<sup>13</sup> As Ortony *et al.* write: “Our claims about the structure of individual emotions are always along the lines that if an individual conceptualizes a situation in a certain kind of way, then the potential for a particular type of emotion exists”.<sup>14</sup>

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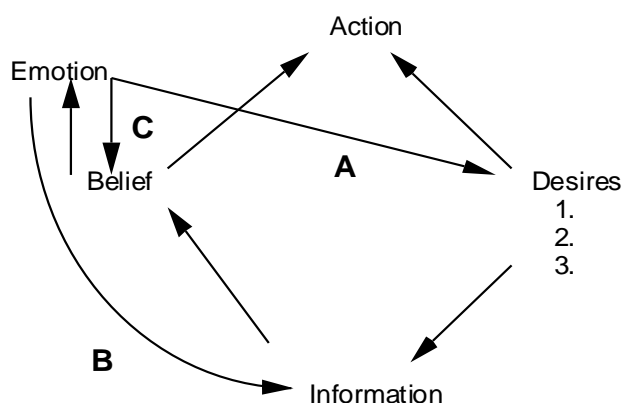
<sup>12</sup> Much of this section is taken from Roger Petersen, “Justicia, Rabia, Castigo y Reconciliación”, in Freddy Cante y Luisa Ortiz, *Umbral de Reconciliación, Perspectivas de Acción Política Noviolenta*, Universidad del Rosario, Bogotá, 2006.

<sup>13</sup> This quote is from the discussion of emotion and cognition found in David D. Franks and Viktor Gecas, “Current Issues in Emotion Studies”, in David D. Franks and Viktor Gecas, eds., *Social Perspectives on Emotion: A Research Annual*, JAI Press, Greenwich, CT, 1992, p. 8. Claire Armon-Jones points out that while emotion is dependent upon cognition, cognitions do not constitute emotion because the same belief could produce two different emotions. See Claire Armon-Jones, “The Thesis of Constructionism”, in Rom Harré, ed., *The Social Construction of Emotions*, Basil Blackwell, New York, 1986, pp. 41-42.

<sup>14</sup> This statement mirrors that of Ortony, Clore, and Collins, *The Cognitive Structure of Emotions*, Cambridge University Press, 1988, p. 2.



**Figure 1:** Action Cycle with No Reference to Emotion.



**Figure 2:** Action Cycle Illustrating Three Possible Effects of Emotion.

In Figure 1, desires lead to information collection that in turn leads to beliefs and ultimately to action. In Figure 2, belief also leads to emotion. For example, a belief about threats can lead to the emotion of fear. A belief about status inconsistency can lead to the emotion of resentment. A belief about the lack of worth of an object or individual can lead to the emotion of contempt.

Three general effects of emotion may follow, marked as A, B, and C effects in Figure 2. First, and most fundamentally, emotions are mechanisms that heighten the saliency of a particular concern. They act as a “switch” among a set of basic desires (A effect). Individuals may value safety, money, vengeance and other goals, but emotion

compels the individual to act on one of these desires above all others.<sup>15</sup> This effect may shape preferences lexicographically or it may operate by shaping the indifference curves among specific preferences.<sup>16</sup> Emotion creates an urgency to act on a particular desire; the value of future pay-offs on other preferences is discounted; particular issues become obsessions.

Second, once in place emotions can produce a feedback effect on information collection (B effect). Emotions lead to seeking of emotion-congruent information. For example, individuals under the influence of fear may come to obsess about the chances of catastrophe. They may concentrate only on information stressing danger and ignore information about the lack of threat. In turn, distorted information may produce skewed beliefs.

Third, emotions can directly influence belief formation (C effect).<sup>17</sup> Emotions can be seen as “internal evidence” and beliefs will be changed to conform to this evidence. Even with accurate and undistorted information, emotion can affect beliefs. The same individual with the same information may develop one belief under the sway of one emotion and a different belief under the influence of a different emotion.<sup>18</sup> Furthermore, the style of belief formation may change under the grip of emotion. As William Riker has pointed out, rational individuals may operate according to several different sorts of strate-

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<sup>15</sup> The implications of this short paragraph are sweeping, especially in terms of the theoretical debates about the relationship between emotion and rationality. The most influential work on the instrumental value of emotion in selecting among desires is probably Antonio Damasio’s *Descartes’ Error: Emotion, Reason, and the Human Brain*, Quill, New York, 1994.

<sup>16</sup> See Jon Elster, “Emotions and Economic Theory”, *Journal of Economic Literature* 36 (1998).

<sup>17</sup> For a discussion of the ways in which emotions affect beliefs, see the essays in Nico H Frijda, Antony S.R. Manstead, and Sacha Bem, eds. *Emotions and Beliefs: How Feelings Influence Thoughts*, Cambridge University Press, 2000.

<sup>18</sup> Also, the complete lack of emotion certainly affects information and belief formation. See the work of Damasio and others with brain-damaged patients who have lost their capacity for emotion.

gies (“sincere”, “avoid the worst”, “average value”, “sophisticated”).<sup>19</sup> For example, it is likely that emotions such as fear can influence a switch in method of belief formation, perhaps to an “avoid the worst” strategy.

#### 8.4. Specific Emotions

Through a combination of A, B, and C effects, specific emotions compel individuals toward specific actions (action tendency). Emotions relevant to violent conflict can be defined according to cognitive antecedent and action tendency:

*Contempt:* cognition that a group is inherently defective; action tendency toward avoidance.

*Hatred:* cognition that an object or group is both inherently defective and dangerous; action tendency to physically eliminate the presence of that group.

*Resentment:* cognition that one’s group is located in an unwarranted subordinate position on a status hierarchy; the action tendency is to take actions to reduce the status position of groups in a superior status position.

*Guilt:* cognition that one has performed a bad action; the action tendency is to seek atonement.

*Shame:* cognition that one’s own character is defective; the action tendency is toward shrinking away or isolation.

*Indignation:* cognition that an actor has committed a blameworthy action against someone else. The action tendency is to shun that actor.

While emotions can be defined by their cognitive antecedents and action tendencies, they can be further defined by whether the cognition is based on an event or situation or focused on an object. The

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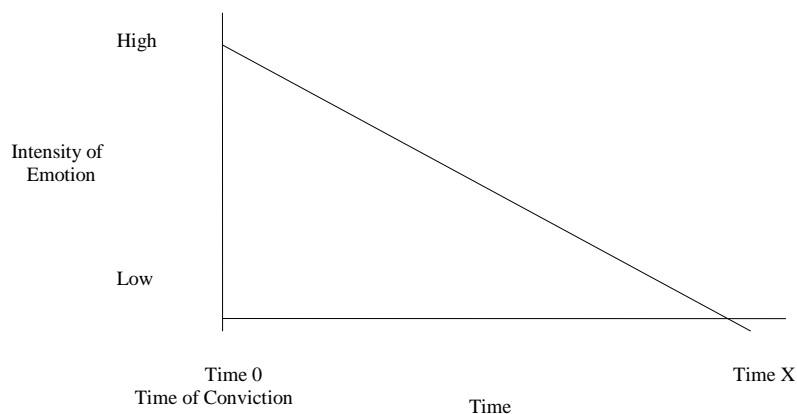
<sup>19</sup> William H. Riker, *The Art of Political Manipulation*, Yale University Press, New Haven, 1986, p. 26.

key point here is that emotions based on events are more likely to have a half-life than those based on the qualities of an object. That is, event-based emotions are likely to fade with time. For example, I may experience indignation when I see a friend commit a blameworthy action against another friend. Under the sway of indignation, I may avoid contact with the perpetrator for a time, but if he or she is a friend the emotion may fade over time and I may feel inclined to renew the relationship. On the other hand, I may come to hate an acquaintance. I may believe that there is something inherently evil about this person. In this case, it is the nature of the person at the root of the action rather than simply an action of the person. Hatred is unlikely to fade with time. Even after a period of years, the cognition about the person's defective nature remains, as does the accompanying emotion.<sup>20</sup>

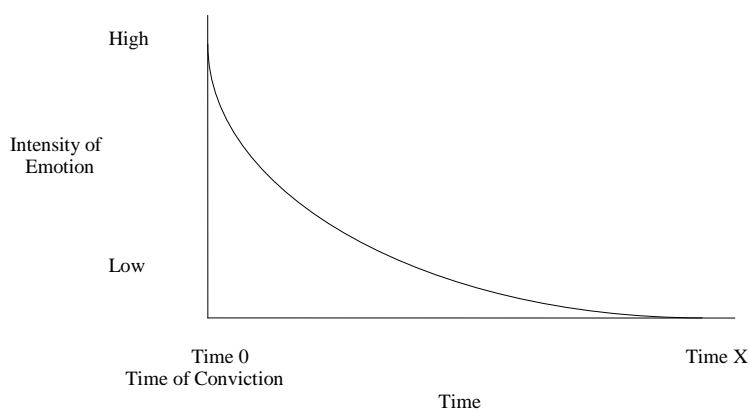
How might emotions fade over time? It is possible to draw curves representing possible half-life functions of anger. Currently, social scientists possess little research that allows us to draw such functions; however, some conjectures are possible. Figures 3-5 represent different emotion curves. The vertical axis represents the intensity of the emotion and the horizontal axis represents time. In Figure 3, the intensity of the emotion declines in a linear fashion over time. Figure 4 illustrates a situation of exponential decay in which the emotion is initially high but then decays rapidly. Figure 5 represents an inverse exponential relationship in which anger remains high for a long period and then declines at increasing rates.

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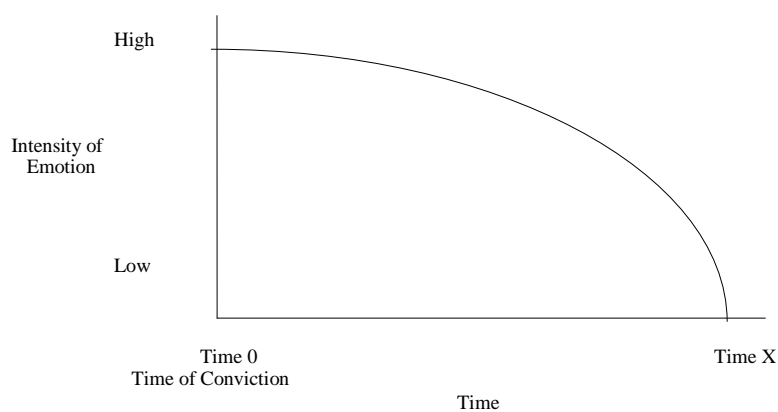
<sup>20</sup> For the emotions already discussed, fear and resentment are event/situation-based while hatred and contempt are object-based. Guilt concerns one's own bad action while shame involves a cognition of one's own inherently bad quality.



**Figure 3:** Linear Decline of Emotion.



**Figure 4:** Exponential Decay of Emotion.



**Figure 5:** Inverse Exponential Decay of Emotion.

### 8.5. The Emotion of Anger

The focus in this chapter is on anger. What is the cognitive antecedent and action tendency of this emotion?

*Anger:* cognition that an individual or group has committed a bad action against one's self or group; action tendency toward punishing that group.

Along the lines of Figure 2, the emotion of anger is further defined by specific A, B, and C effects. On A effects, anger heightens desire for punishment against a specific actor. Under the influence of anger, individuals become "intuitive prosecutors".<sup>21</sup> That is, individuals tend to specify a perpetrator and then seek retribution. For B effects, under anger, information is distorted in predictable ways. The angry person lowers the threshold for attributing harmful intent. They blame humans, not the situation.<sup>22</sup> Angry subjects also tend to engage more in stereotyping.<sup>23</sup> Once under the influence of anger, individuals "perceive new events and objects in ways that are consistent with the original cognitive-appraisal dimensions of the emotion".<sup>24</sup> Importantly, concerning C effects, anger shapes the way individuals form beliefs. Under the influence of anger, individuals lower risk estimates and are more willing to engage in risky behaviour.<sup>25</sup> In sum, anger heightens

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<sup>21</sup> J.H. Goldberg, J.S. Lerner, and P.E. Tetlock, "Rage and Reason: The Psychology of the Intuitive Prosecutor", *European Journal of Social Psychology*, 29 (1999).

<sup>22</sup> D. Keltner, P. Ellsworth, K. Edwards, "Beyond Simple Pessimism: Effects of Sadness and Anger on Social Perception", *Journal of Personality and Social Psychology*, 64 (1993). Keltner, Ellsworth and Edwards studied angry subjects compared to sad subjects asking both groups to interpret agency in an ambiguous event. Sad subjects assigned blame to the situation, angry ones to the actors.

<sup>23</sup> G. Bodenhausen, L. Sheperd, G. Kramer, "Negative Affect and Social Judgment – the Differential Impact of Anger and Sadness", *European Journal of Social Psychology* 24 (1994).

<sup>24</sup> J.S. Lerner and D. Keltner, "Beyond Valence: Toward a Model of Emotion-Specific Influences on Judgment and Choice", *Cognition and Emotion* 14 (2000).

<sup>25</sup> J.S. Lerner and D. Keltner, "Fear, Anger, and Risk", *Journal of Personality and Social Psychology* 81 (2001); Gallagher and Clore, "Effects of Fear and Anger on Judgments of Risk and Evaluations of Blame", paper presented at the Midwestern Psychological Association (May 1985); H. Mano, "Risk-taking, Framing Effects, and Affect", *Organizational Behavior and Human Decision Processes* (1994); J.

desire for punishment against a specific actor, creates a downgrading of risk, increases prejudice and blame, as well as selective memory.<sup>26</sup>

Given these features, it is logical to assume that anger will be problematic for reconciliation in Colombia. Killings and massacres undoubtedly produce the cognition that an individual has committed a bad action against one's group. According to the theory of emotion outlined above, there should be an action tendency, if not an obsession, to engage in punishment. Under anger, individuals may engage in stereotyping and blame larger groups rather than individuals. Given the need to punish someone, anger could be predicted to drive punitive behaviour against targets whose guilt is unclear. Anger may impel individuals to consider revenge and, through the effect of lowering risk estimates, anger may propel individuals to take matters into their own hands. Crucially, under the spell of anger, punishment-driven individuals will not be able to let go of the past. In short, high levels of anger are expected to be a severe problem for reconciliation, hence the need for a justice that can reduce anger.

As defined here, anger is an event-based emotion. As an event-based emotion, it is likely to have a half-life, that is, it is likely to fade over time. Anger may erode at the rate represented by Figure 5. This figure suggests that the emotional intensity of anger remains high for many years and then declines at an accelerating rate. The corresponding interpretation is that individuals are angry about killings and crimes for several years but then come to a realization, either consciously or unconsciously, that life must go on, that it is time to "forget and/or forgive". Whether the emotion of anger really operates in this way is an empirical question that is addressed in later sections.

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S. Lerner, R. M. Gonzalez, D. A. Small, B. Fischhoff, "Effects of Fear and Anger on Perceived Risks of Terrorism: A National Field Experiment", *Psychological Science* 14 (2003). Lerner *et al.* also found significant gender differences with men more prone to anger and women more likely to experience fear.

<sup>26</sup> John Newhagen, "Anger, Fear and Disgust: Effects on Approach-avoidance and Memory", *Journal of Broadcasting and Electronic Media* 42 (1998). Newhagen found that images producing anger were remembered better than those inducing fear, which in turn were remembered better than those creating disgust.



### 8.6. Punishment as the Mitigation of Anger: General Features

In Colombia, the state punishes perpetrators on behalf of victims; the state becomes avenger. For victims, vengeance serves several purposes. First, violence creates an inequality between victim and perpetrator. The state's vengeance acts to equalize this unbalanced power relationship. The victim is no longer the inferior one, the one to whom things can be done, the helpless and the object of someone's arbitrary action. Vengeance also creates a sense of one's power and control. Closely linked to power equalization is the restoration of threatened or damaged social prestige or self-esteem. Atrocities often attack a victim's very sense of personal value and identity and vengeance enables the victim to reassert him/herself. One's identity, in some cases, is so intimately linked to the esteem of a group that offences against the group will also evoke strong desires for revenge and will give revenge much of its emotional force.<sup>27</sup> Revenge also takes away the prospect of the perpetrator leading a happy life while one suffers. So the victim, through vengeance, accrues the benefit of taking away the offender's gains. The victim gets "even in suffering". Last, for family/friends of victims, revenge is a means to make their close-ones' deaths meaningful, to keep faith with the dead, and to honour their memory. Revenge further serves to assign responsibility and thereby "relieve the moral ambiguity and guilt survivors often feel". Finally, victims also use revenge to externalize their grief and bring closure.<sup>28</sup>

The state's policy of punishment can be seen in terms of a process connected to Figure 2. In a first cycle, atrocities and violence create the cognition of anger: an individual or group has committed a bad action against one's self or group. The resulting emotion of anger

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<sup>27</sup> See Nico Frijda, "The Lex Talionis: On Vengeance", in *Emotions: Essays on Emotion Theory*, Stephanie van Goozen, Nanne van de Poll, and Joe A. Sergeant (eds.), Lawrence Erlbaum, Hillsdale NJ, 1994; Henri Tajfel and John C. Turner, "An Integrative Theory of Intergroup Conflict" in S. Worchel and W.G. Austin (eds.), *The Social Psychology of Intergroup Relations*, Brooks-Cole, Monterey, CA, 1979, pp. 33-37.

<sup>28</sup> Brandon Hamber and Richard A. Wilson, "Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies", *Journal of Human Rights* 1 (2002).

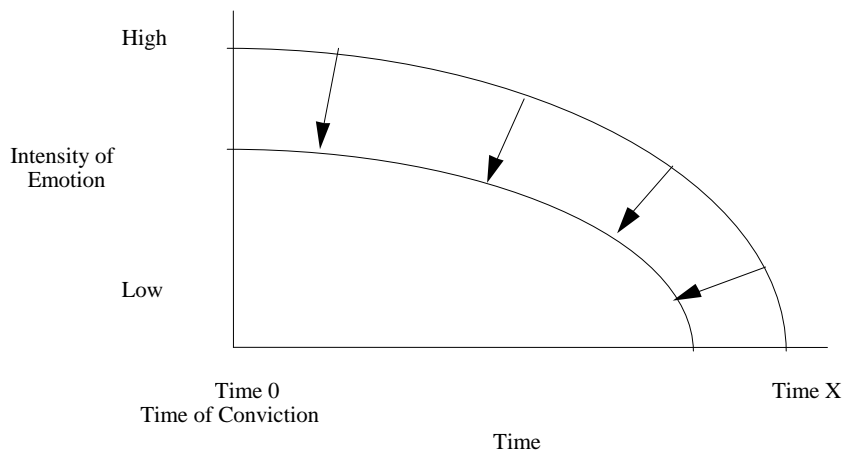
greatly elevates a desire for retaliation, shapes information collection, and belief formation. In effect, the state's actions create another turn of the cycle and add new information and beliefs. After a conviction of the perpetrators, the victim now holds the belief that an individual or group has committed a bad action against one's self or group and that the state has put the perpetrator in prison.

This new set of cognitions produces a lower intensity of the emotion of anger and its A, B and C effects. In turn, the victim engages less in blaming and stereotyping. Victims are more likely to accurately assess the risks involved in retaliation and more soberly consider the costs of taking matters into their own hands. Victims may become less obsessed with the past and more future oriented. In short, punishment and the passage of time create a diminishment of anger.

The nature of the erosion of the emotion is uncertain but Figures 3-5 suggest some possibilities. For instance, punishment may change the values on the vertical axis. See Figure 6 and assume time 0 represents the date of conviction of the perpetrator. Knowing that the perpetrator will certainly be punished, the victim's anger drops immediately. Then the intensity of the emotion may decline according to the same function. The overall result, in this conception, is both a lower overall level of anger and a shorter lifespan of the emotion.

A second possible effect of punishment would be shaping the horizontal axis, or the amount of time needed for the decay of anger. Time erodes anger. But how much time? If the perpetrator is punished, then anger may fade in five years rather than ten. Then the curve might look like Figure 7 in the appendix. While the original intensity might remain high even at the time of conviction, the rate of decay accelerates.

Third, time of decay might remain the same, but punishment might change the shape of the curve. With convictions, the nature of anger's half-life might switch from Figure 5 to Figure 4 or Figure 3.



**Figure 6:** A Possible Effect of Punishment on the Intensity of Anger.

### 8.7. Hypotheses

In the current state of knowledge, social scientists simply do not possess a firm grasp of the relationship between punishment, time and the erosion of anger. The discussion above and figures in the appendix help identify a set of variables and suggest possible causal relationships among those variables. The dependent variable here is the intensity of anger. The primary independent variables are the level of punishment, the passage of time and the level of atrocity. Further hypotheses can be linked to the other elements of the reconciliation law – truth and reparations.

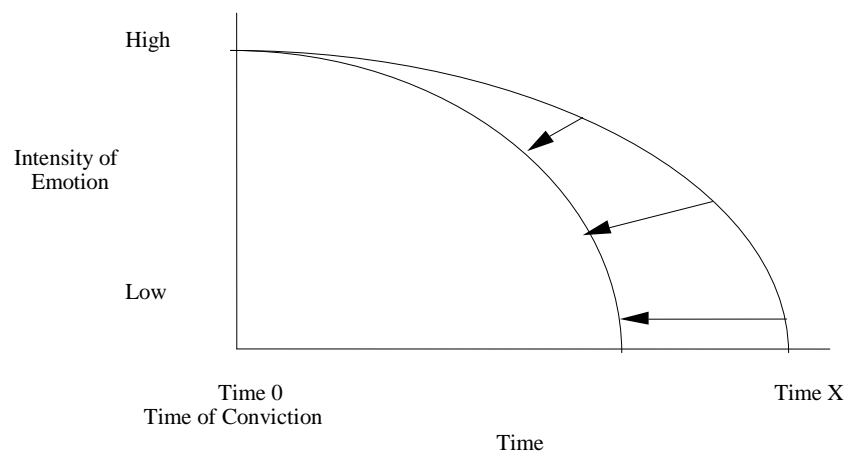
*Hypothesis 1:* Higher levels of atrocity and violence will produce higher levels of anger.

*Hypothesis 2:* (General Form): A significant level of punishment combined with the passage of time will reduce the level of anger.

*Sub-hypotheses:*

(2A) From the time of conviction, the decline of anger will be linear (Figure 3).

- (2B) From the time of conviction, the decline of anger will be exponential (Figure 4).
- (2C) From the time of conviction, the decline of anger will be reverse exponential (Figure 5).
- (2D) At the time of conviction, the level of anger will drop precipitously and then decline according to one of the functions in 1A-1C (Figure 6).
- (2E) A significant level of punishment will not produce an immediate drop in the level of anger, but will reduce the total life of anger (Figure 7).



**Figure 7:** Possible Effects of Punishment on Time Effects of Anger.

*Hypothesis 3:* If reparations are added to punishment, anger will erode at an enhanced or accelerated rate.

**Causal Logic:** Reparations are another form of punishment, in monetary terms rather than in prison time. There is a direct element of vengeance also, as resources are taken directly away from the perpetrator and given to the victim. This process bolsters the sense of equalization of victim and perpetrator. Material reparations can “open space for bereavement, addressing trauma,

and ritualizing symbolic closure... can [further] concretize a traumatic event and re-attribute responsibility”.<sup>29</sup>

*Hypothesis 4:* If perpetrators confess to their crimes, if there is the addition of “truth” to punishment, anger will erode at an enhanced or accelerated rate.

**Causal Logic:** In the transitional justice literature, it is hypothesized that truth-telling enhances the mitigating effect of “justice” on anger. It does so by constructing a common story of the past, honouring victims, breaking impunity, facilitating punishment of the guilty, and preventing the atrocities’ repetition. It is important to note that, for those who wish to know the truth, knowledge of the offender’s identity and motivations impacts levels of anger not via the ability to know whom to punish, but through a different mechanism: by altering the information available to the victim. Learning the perpetrators’ motives and circumstances can un-do the distorting effects of anger on information and beliefs; that is, by individualizing the perpetrator and showing his/her humanity, truth confessions can enable the victim to overcome stereotypes brought on by anger. If anger impels the victim to increase his/her prejudices and assignment of blame, remember selectively, and desire revenge then truth, by providing new information, can alter the victim’s cognition that the perpetrator committed a bad action against him/her. It thereby enables the victim to understand and forgive: the act of removing the attribution of harmful intent from the offenders.<sup>30</sup> In these ways, truth reduces anger.

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<sup>29</sup> Brandon Hamber and Richard A. Wilson, “Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies”, *Journal of Human Rights* 1 (2002).

<sup>30</sup> More generally, some political figures have posited that only with truth can there be true forgiveness which in turn may reduce anger. This relationship between truth and forgiveness has been a central issue in the reconciliation process in South Africa. See James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided nation?*, New York: Russell Sage Foundation, 2004. Gibson’s work shows that the acceptance of a common narrative of apartheid created positive effects concerning the legitimacy of the post-apartheid government and the accep-

## **8.8. Justice, Anger, Punishment and Reconciliation**

The question becomes whether these hypotheses can be realistically tested in a case like Colombia. To our knowledge, no one has attempted to do so. A minimum requirement is that each of the variables – level of anger, level of atrocity, level of punishment, passage of time, reparations and truth-telling – be operationalized in a realistic and reliable way. This section addresses each variable in turn, covering general definition, practical implementation (such as the possible use of surveys and quasi-experimental designs), related factors that might qualify hypothesized effects or suggest new sub-hypotheses, and problems such as indeterminacy. The approach assumes a five-year study and sufficient logistical support.

### **8.8.1. Dependent Variable: Measurement of Anger**

The first task is to find a valid and reliable measure of anger. Levels of anger, however, prove difficult to measure; instruments are highly subjective and yield inconsistent results on repeated trials.<sup>31</sup> To overcome these measurement problems, we propose to proxy anger with measures of its four observable behaviours (recall A, B, C effects above). One, anger triggers vengeful actions and thus, the desire for revenge (a variable more amenable to measurement) should correlate closely with levels of anger. Two, under the influence of anger, individuals are likely to resort to risky behaviour in the pursuit of vengeance, a tendency discernible in some guerrilla and paramilitary combatants. Three, victims suffering from anger should engage in stereotyping, blaming not the individual perpetrator, but also the perpetrator's group

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tance of the rule of law. The role of forgiveness in reconciliation has been emphasized by the former Mayor of Bogotá, Antanas Mockus; he concentrates on the relationships among the emotions of guilt and shame, but implies that pardon also reduces anger (see his contribution to this volume).

<sup>31</sup> See, for example, Christopher Eckhardt and Bradley Norlander, "The Assessment of Anger and Hostility: A Critical Review", *Aggression and Violent Behavior* 9, 1 (2004) and William E. Snell Jr., Scott Gum, Roger L. Shuck, Jo A. Mosley, and Tamara L. Kite, "The Clinical Anger Scale: Preliminary Reliability and Validity", *Journal of Clinical Psychology* 51, 2 (1995).

writ large. Four and closely related, victims, under the emotion of anger, should assign harmful intent to the perpetrators.

To capture these observable manifestations of anger, we propose a survey of civilian victims, civilian non-victims,<sup>32</sup> and demobilized paramilitaries and guerrillas. The survey instrument will collect data on (a) individuals' opinions of their perpetrators and the perpetrators' groups; (b) the motives they assign to their offenders and whom they blame for the violations; (c) their evaluations of different tools of reconciliation (confession of crimes, compensation of victims, immunity for perpetrators); and (d) whether they desire revenge, what intensity of revenge (a public apology, prison sentence, death), and against whom they desire revenge (the individual directly responsible for the violation; the leaders of the armed group; or all group members). Last, the questionnaire will ask under what conditions the respondents would seek to take justice into their own hands. We will then employ factor analysis to generate a composite measure of anger intensity.

If the assumption underlying transitional justice systems – that victims feel anger towards their perpetrators and seek revenge – is correct, we would expect to observe higher levels of anger among victims than non-victims. Including non-affected civilians in the sample thus offers a control group, enabling us to compare victims' anger to the average Colombian's while controlling for structural variables such as age, location, gender, socio-economic status, extent/type of exposure to violence, and education.<sup>33</sup> Of course in a society plagued by extreme atrocity for over forty years, the issue of determining who is and is not

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<sup>32</sup> For non-victims, questions will be phrased as hypothetical scenarios.

<sup>33</sup> Levels of anger and notions of justice may vary on these variables. For example, in a recent survey conducted by the International Center for Transitional Justice, women, more-educated, younger individuals and residents of Bogotá and the Atlantic region were much more in favour of punishing all members of the armed groups whereas men, less educated, older persons and residents of western regions believed that only leaders should be punished (International Center for Transitional Justice (ICTJ), “*Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación*” (2006), p. 28).

a victim proves problematic; the conflict has affected nearly every individual, if not directly, than certainly indirectly.<sup>34</sup>

Meanwhile, surveying ex-combatants who self-reportedly joined an armed group out of vengeance would serve to provide information about the extreme value of revenge – taking it into your own hands – and about how anger affects risk aversion. Excluding these individuals would produce a truncated measure of victims’ anger with higher levels of anger being selected out of the study, generating bias. As mentioned earlier, Colombian government reports indicate that 25% of demobilized paramilitaries claim that the “desire to avenge the death of a family member” motivated them to join the ranks of their armed group. This generates a sample of roughly 8,800 demobilized individuals.<sup>35</sup> Here we are treating ex-combatant respondents as former victims. If we also treat them as present offenders, we gain an often-ignored point of view of the transitional justice process: that of the perpetrators. In this way, the survey could estimate the likelihood of the process generating counter-productive emotions within the perpetrator population: resentment, anger, and shame. Realizing this survey

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<sup>34</sup> The ICTJ 2006 survey defined an individual as a “victim” if the person or any member of his/her direct family had been a victim of kidnapping, extortion, displacement, assassination, threat of death, torture, forced disappearance or rape (by an illegal armed group). However, these categories did not match people’s self-reported classification as victims of the armed conflict. 44% of those which were not affected directly by the actions of armed groups (categorized by the ICTJ as non-victims), believed themselves to be victims (due to the social effects of the conflict: poverty and unemployment and the psychological effects: fear and uncertainty) and 5% of those categorized as victims did not identify themselves as such. Thus establishing victim and non-victim categories is challenging and merits great attention. We propose to use the ICTJ coding because the indirect (social and psychological) effects of war are unlikely to elicit the same emotions of anger as the direct ones.

<sup>35</sup> This assumes the Medellín paramilitaries are representative of the population of paramilitaries in their motives. Total figures are generated from *Policía Nacional de Colombia*, “Informe Control y Seguimiento Desmovilizados”, February 2007. However, there arise recall and reliability issues with using self-reported motives for joining. Many joined years ago and may not remember their initial motives accurately. Moreover, joining for revenge may seem a more noble reason than entering the armed group because it offered the highest remuneration.



requires three populations of inference: (1) Colombian victims of the armed conflict; (2) Colombian non-victims; and (3) Colombian revenge-motivated ex-combatants. We will discuss each of these briefly in turn. First, we hope to interview 400 randomly selected victims from a target population of victims registered with the *Comisión Nacional de Reparación y Reconciliación* (CNRR).<sup>36</sup> Second, we would like to survey 400 persons not directly affected by the conflict. The target population here is all non-victim civilians in Colombia. For these interviews, we hope to find an organization that conducts nationally-representative surveys (most likely for a different and unrelated purpose) and have our questions added to their survey. Accordingly, in this case, the organization will dictate the sampling design. Last, the target population of ex-combatants will be the demobilized paramilitaries and guerrillas with whom the Colombian Reintegration Program has contact. We will randomly select 200 from the list of ex-combatants who stated in their initial interview with the Reintegration Program that the desire for vengeance motivated their recruitment into their armed faction.

### **8.8.2. Independent Variable 1: Level of Atrocity**

Every violation of human rights is heinous and it may be that the extremity of the violation has no impact on victims' levels of anger and on reconciliation. However, this merits testing. To measure level of atrocity, we propose a variable that takes into account the scale and scope of the violation. This variable would be an ordinal scale based on the judicial system's punishment for each type of offence.<sup>37</sup> Crimes punished with a fine would fall at one end of the spectrum of atrocities while those receiving life sentences or the death penalty would occupy the other end.

Beyond this simple measure of type of violence, several other factors may qualify the relationship between level of atrocity and level

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<sup>36</sup> If this list cannot be made available to us for reasons of security/anonymity of victims, we will also seek the assistance of other human rights organizations such as Amnesty International and Comisión de Juristas.

<sup>37</sup> Displacement, torture, kidnapping, assassination, rape, threat of death, extortion, etc.

of anger. Duration of violence, for example, may matter insofar as people become tired of war and desire peace at the cost of justice and revenge. The capacity for anger may be less after a long struggle than a short one. The size of the locality may be another related influence on the desire to punish. Individuals who reside in small towns (where the majority of violence has taken place) prove more likely to favour pardoning the guerrillas and paramilitaries than combating or trying them.<sup>38</sup> The covertness, geographic spread, and death count of an atrocity may also affect levels of anger by facilitating collective anger and action. An overt massacre of 30 people from one village leaves in its wake a concentrated community of affected individuals who are conscious of their shared victimization. This affords to the victims the capacity to collectively mobilize for revenge.<sup>39</sup>

Furthermore, the identity of the perpetrator may impact victims' emotions. For example, victims may respond differently when the violence is perpetrated by a stranger (a paramilitary or guerrilla recruited from one place and active in another) than by a fellow community member (an armed individual active in his/her town of origin). Causality points in two different directions. On the one hand, Harvard Professor Kimberly Theidon expresses that anger is higher when people are victimized by armed actors from their own towns. Zuckerman Daly 2010 finds that anger is reduced when the perpetrator is deemed part of the in-group – the community – and when the violence is justified by the motive of protecting that community.<sup>40</sup> These perpetrators, who patrolled their home communities, never lost ties to their communities. According to Colombian journalist, Juanita León, this facilitates reintegration and reconciliation. The survey questionnaire, interviews of Colombian experts, and case studies of localities varying on the origins

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<sup>38</sup> International Center for Transitional Justice, “*Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación*” (2006), p. 32.

<sup>39</sup> We see a variant of this dynamic in the case of the rise of paramilitaries; regional elite (including the Castaño brothers) became conscious of their common victimization – they were all victims of the left-wing guerrillas. In response, they united to organize self-defence (counterinsurgency) militias driven, in part, by revenge.

<sup>40</sup> Sarah Zuckerman Daly, “Bankruptcy, Guns or Campaigns: Explaining Armed Organizations' Post-War Trajectories,” PhD Dissertation, MIT, 2010.

of the perpetrators could afford us leverage on these issues. Specifically, we could compare victims' sentiments towards (1) local ex-combatants – those who committed atrocities in their towns of origin and (2) non-local ones – those who carried out the violence in other territories.

### **8.8.3. Independent Variable 2: Level of Punishment**

We hypothesize that punishment may decrease the intensity of victims' anger, reduce the amount of time needed for the decay of anger or change the shape of the curve. The "punishment" variable can first be divided into two basic categories: cases in which no punishment occurred (acquittals) versus cases in which punishment was meted out. Then within the latter cases, variation in the level of punishment can be examined.

The first task is to interview victims whose perpetrators have been sentenced to prison and those whose perpetrators have been acquitted, controlling for initial level of anger. To do so, a before/after case design would be required, wherein we interview a random sample of victims whose offenders are awaiting trial. Presumably, some perpetrators would be acquitted, others convicted with varying sentences. We would then interview the victims soon after the verdicts have been released, comparing the control and treatment (perpetrators receive sanctions) groups to plot the victims' anger curves over time. This would provide a quasi-experiment to study the effects of punishment on the intensity of anger. It would also permit us to test if the degree of punishment impacts victims' emotions. To measure the level of punishment, we could appeal to the scale used by the Colombian justice system, which should accurately reflect the population's conception of justice. We could then use inter-coder reliability tests of a random sample of civilians to verify this punishment proxy.

Measuring "punishment" in Colombia is problematic because the lenient sentences proposed by the new law might produce multiple effects. Perceptions about what constitutes "appropriate" versus "overly lenient" punishment may vary across individuals. For instance, many individuals may feel that the maximum prison sentence in the new law – eight years – is incommensurate with many of the atrocities

committed. The cognition that the perpetrator has received an “easy” punishment”, that he or she has basically avoided proper sanction, may be worse than the belief that a perpetrator has simply escaped the grasp of the justice system. Furthermore, alongside sanctions, we must also consider perks. Ex-combatants receive a host of benefits: salaries, health care, psychological aid, education, etc.<sup>41</sup> The cognition that “an atrocity was committed and the perpetrator not only got away with it but received benefits” is the basis of heightened anger, not its decline.<sup>42</sup>

Additionally, while the ex-combatants are consulted on the transitional justice system, victims are not adequately asked or involved in the process. The trade-off here between peace and justice is one common to communities undergoing transitional justice. On the one hand, absent desirable benefits, combatants have little incentive to sign up for peace and remain demobilized. On the other hand, that perpetrators receive more ‘goodies’ than victims is both unfair and potentially destabilizing if, through the emotional mechanism of continued anger, victims retaliate.

#### **8.8.4. Independent Variable 3: Time**

In the discussion above, the focus has been on the effect of punishment on anger. Therefore, the beginning point is the date of conviction and time would be measured in months since conviction.

In this formulation, the hypothesis is that punishment *plus* time reduces anger. An alternative is that punishment *and* time reduces anger. In the latter, it is not only time since conviction that is important but also time since atrocity. Consider two cases, one in which the atrocity occurred fifteen years before conviction and one in which the atrocity occurred three years before conviction. It seems logical to be-

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<sup>41</sup> Pilar Lozano, “Las Víctimas son Seres Generosos: Entrevista Eduardo Pizarro Presidente de la Comisión Nacional de Reparación y Reconciliación en Colombia”, *Diario El Pais*, 17 June 2007.

<sup>42</sup> Personal Interview of Sarah Zukerman Daly with respondents at *El Programa de Atención Complementaria a la Población Reincorporada* and *la Personería de Bogotá*, DC Rafael Uribe, Colombia, July 2006.

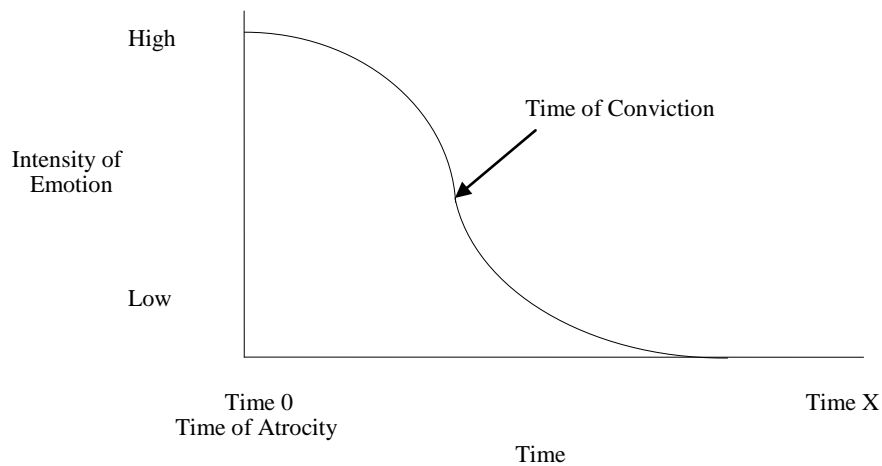
lieve that the corrosive effects of time on anger may have already lowered the anger level in the first case. In this case, we could simply analyze time between atrocity and conviction as a variable that affects the level of anger at time of conviction. The analysis becomes more complicated if time since atrocity also affects the decline of anger in the post conviction phase. It is possible that not only the level of anger at time of conviction would differ in the two cases above, but also the post-conviction function. One could also imagine that anger declines according to one function with time without punishment (perhaps the inverse exponential function of Figure 5) and another function with time after punishment (perhaps the exponential function of Figure 4). Figure 8 represents such a possibility.

Colombia provides rich variation on the variable “time since atrocity” as the violence has migrated over the country’s territory and the conflict has lasted 42 years. We propose to conduct in-depth interviews in geographic regions that differ on when violence affected the area: recently, 5 years ago, 10 years ago, etc. For example, it may be fruitful to compare regions with little violence in 1985, but high levels in 2000 (e.g., Norte de Santander and Putumayo) with places that experienced the opposite – a large number of killings in 1985, but a relatively low one in 2000 (e.g., Boyacá, Vichada, and Guainía). Alternatively, we might compare locations of massacres in order to keep the level of atrocity constant and increase the accuracy of recall by focusing on a particular incident and moment in time. For instance, we could compare ‘Honduras and La Negra’ (Urabá, Antioquia, 1988), ‘Pueblo Bello’ (Turbo, Antioquia, 1990), ‘Mapiripán’ (Meta, 1997), ‘Naya’ (Buenos Aires, Cauca, 2001), and ‘Bahía Portete’ (La Guajira, 2004).<sup>43</sup> We suggest these research designs because they would also enable us to plot anger’s half-life beyond the five-year period of this

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<sup>43</sup> *Colombia Nunca Más. Crímenes de Lesa Humanidad*, Proyecto Nunca Más, Bogotá, 2000, cited in Amnesty International, “Colombia: The Paramilitaries in Medellín: Demobilization or Legalization?” (2005).

study's longitudinal survey. This would prove especially helpful if anger depreciates slowly.<sup>44</sup>



**Figure 8:** Decline of Anger after Conviction

As a variable, “time” produces challenges and opportunities. The literature offers conflicting hypotheses with respect to time. On the one hand, “time heals”. And anger in particular is characterized by its relatively short duration; it “tends to spend itself quickly”.<sup>45</sup> The example given is the post-WWII trials in which those who were tried later generally received milder sentences even when the crimes were similar. On the other hand, Hamber and Wilson argue that, “desire for vengeance may spread out over years if the thirst remains unquenched”.<sup>46</sup> People still desire revenge, reparations or recognition for events that occurred decades ago: e.g., the Holocaust, slavery.

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<sup>44</sup> An alternative research approach would include in the survey questionnaire: “length of time since the violent event”. This design, however, would not guarantee variation in the factor of interest: length of time since the violence.

<sup>45</sup> Nico Frijda, *The Emotions*, Cambridge University Press, Cambridge, 1986, p. 43.

<sup>46</sup> Brandon Hamber and Richard A. Wilson, “Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies”, *Journal of Human Rights* 1 (2002).

#### **8.8.5. Independent Variable 4: Level of Reparations**

The methods to repair harm done to victims are numerous. Harm can be defined narrowly to include only material harm – possessions taken – or broadly to also include moral and mental harm. Accordingly, compensation may be limited to money and the return of lands or may be expanded to include rehabilitation, medical and psychological treatment, official apologies, monuments to victims, and guarantees of no repetition. To capture the extent of reparations, we propose to use the scale put forth by the Colombian CNRR.

Initial evidence from Colombia points to the unanimity of support for victim compensation (89% of the population). Interestingly, as the means of reparation, Colombians favour monuments to honour victims, money, and official apologies much less than they do education, creation of jobs, and medical attention.<sup>47</sup> To test the effect of reparations on the intensity and duration of anger, we can exploit the fact that the CNRR has only very slowly granted reparations. As a result, only some victims have received the “treatment effect” of reparations.<sup>48</sup>

The timing of reparations is a complicating factor. Variation in the extent to which victims embrace material reparations may prove a function of timing. Hamber and Wilson argue that when granted before the survivor is psychologically ready, the reparations “can be expected to leave the survivor feeling dissatisfied”. This is likely to occur when,

the national process of moving forward and making amends is not coinciding with the individual process. [In this case,] the survivors see the governments as trying to close the chapter on the past prematurely and leaving se-

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<sup>47</sup> These victims also valued a) that perpetrators help locate kidnapped and disappeared persons and b) that they return all the goods, money and property to the victims’ families significantly more than they valued c) that offenders pay with prison terms, and d) that they publicly confess the whole truth or ask formal forgiveness from the victims and their communities.

<sup>48</sup> The Commission has prioritized first granting reparations to places which suffered the worst massacres and to vulnerable populations (children, indigenous, afro-Colombians, the most impoverished, and female heads of household).

crets hidden ... survivors feel that reparations are being used to buy their silence and put a stop to them continuing a quest for truth and justice.<sup>49</sup>

It follows that we should analyze reparations in interaction with the time since the atrocity.

As with punishment, the “reparations” variable might work to reduce anger in some cases but increase it in others. Reparations may magnify punishment’s attenuating impact on anger only if victims do not perceive the reparations as blood money. If conceived as “blood money”, equating human life with a fixed, often relatively low, sum, reparations may induce the emotion of humiliation rather than forgiveness.<sup>50</sup>

#### **8.8.6. Independent Variable 5: Level of Truth**

Following the Truth and Reconciliation Commission of South Africa, the Colombian process puts emphasis on perpetrators admitting to their crimes. Article 5 of the regulatory decree states that demobilized combatants must confess their crimes in order to become eligible for reduced sentences.<sup>51</sup> How can we measure “truth” and test its effect on

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<sup>49</sup> Brandon Hamber and Richard A. Wilson, “Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies”, *Journal of Human Rights* 1 (2002).

<sup>50</sup> Consider the situation of the United States in Iraq. During the present conflict, if US forces kill an innocent Iraqi civilian, they pay the family a maximum of \$2,500 dollars in compensation for “wrongful death”. This amount is the same as when an automobile has been destroyed. The family is left to consider that the life of their family member was equivalent to that of a car. In this case, the reparation is degrading.

<sup>51</sup> There are some clear trade-offs between the search for truth and justice. Recently, the International Court Tribunal for Yugoslavia brought up Milošević on 66 counts of genocide, crimes against humanity, and war crimes. Prosecutors wished to set up an objective and comprehensive historical record of Milošević’s crimes. The process was so massive and complicated that the defendant died before he could be convicted and punished. Without Milošević’s conviction, the case against other accused individuals will be more difficult to make. Depending on one’s view of the significance and nature of anger, it may be better to sacrifice telling some of the story, limit the truth-telling, in order to mete out quicker justice that in turn might quell anger. Colombian officials appear to have considered



anger? Capturing “truth’s completeness” is obviously impossible except in retrospect (and even then, only an unreliable measure is feasible). We propose to instead operationalize the concept of truth by treating any confession of the crime (date, violation type, location, victims, motives, or perpetrator’s identity) as an increase in the level of truth. Truth is deemed complete when all of these facts are known and corroborated, partial when any of these facts are missing, etc. Rather than just longitudinally comparing victims before and after they learn a piece of the truth, we suggest also cross-sectionally comparing victims whose perpetrators have confessed to their crimes with those who have not.

Clearly, additional factors may be at work here. The level and credibility of the confessed truth may matter. If deemed incomplete or false, truth-telling is unlikely to have the predicted effects. Even if comprehensive, perpetrators’ confessions may still prevent reconciliation. The 2006 ICTJ survey shows that 55% of Colombian victims prefer not to know the truth (compared with 35% of non-victims). 48% hold this preference because they believe that knowing the truth is unlikely to “help at all”; 28% because they do not want to relive the horrors or think about the past; 10% because they do not want a partial truth and doubt that the full truth will be revealed; and 14% because they fear that knowing the truth will increase their vulnerability to retaliation by their perpetrators. These results suggest that truth-telling may either have no effect on or could even enhance anger by preventing victims from putting the past behind them. Additionally, these survey findings indicate that truth-telling can also increase other emotions such as fear.

The responses of victims that did wish to learn the truth, however, point to opposite mechanisms. Some 95% of these respondents wanted to know the truth in order to be able to understand and quickly pardon or in order to achieve personal peace (72% and 23% respectively).<sup>52</sup> Only 5% reported desiring the truth in order to know whom

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this issue. In Colombia, criminal prosecutions must not take longer than sixty days.

<sup>52</sup> Note that 13% wished to learn the truth only about the reasons for the violation, not the perpetrator’s identity.

to hate or to be able to carry out revenge.<sup>53</sup> These statistics taken together suggest an ambiguous relationship between truth and anger, a relationship that may differ across individuals. Our survey will seek to probe this heterogeneity of preferences across victims.

Up until now, we have discussed truth at the individual level of analysis: the effects of an individual perpetrator confessing the truth to an individual victim. The reconciliation literature, however, underscores the importance of collective truth, of a nation collectively learning the truth of its violent past. This scholarship places a premium on public confessions and processes that guarantee “never again”, assure that future generations learn an accurate history, and recognize the suffering of the victims of the armed conflict. While some Colombians recognize the value of a collective memory, 51% of the Colombian population state that they are against having the truth be made publicly and 43% do not consider it important to know what happened in Colombia with respect to the armed conflict.<sup>54</sup>

#### **8.8.7. Case Selection**

The longitudinal surveys and quasi-experiments described above would hopefully yield valid measurements of anger and its potential mitigators: punishment, truth, reparations, nature of atrocity and time. These data would facilitate a quantitative analysis of the effect of transitional justice on anger and desire for revenge. However, a quantitative analysis is likely insufficient given the measurement challenges, interaction between independent variables, and ambiguous causality described above. Accordingly, we advocate for a multi-method approach. In addition to the surveys, we propose to conduct in-depth case studies of localities which vary on several dimensions: (a) extremity of atrocities; (b) time since atrocities; (c) identity of perpetrators (local or not); (d) state presence and provision of security (level of current insecurity and fear); (e) concentration of demobilized perpetrators; and (f) local history of the armed conflict. In addition, we will try to choose

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<sup>53</sup> ICTJ, *Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación*, 2006, pp. 37-39.

<sup>54</sup> *Ibid*, p. 40.

communities that vary in the extent to which the principal perpetrators of violence in the community have been punished, confessed the truth, or granted reparations to victims.

### **8.9. Concluding Issues**

The preceding pages have developed a theory and outlined a research agenda to study the relationship among anger, punishment and time. The goal has been on trying to study the importance of emotion on the process of reconciliation. In our theoretical framework illustrated in Figure 2, our approach incorporates both cognition and specific emotions that follow from them. Along both of these elements, there is more to be said.

First, beliefs about what is possible and impossible shape the formation and intensity of emotions. Anger and notions of anger-attenuating justice may be a product of what victims deem feasible and these notions may change over time. For example, “at first, a victim requests her son’s remains and perceive this to fulfil justice. When she has received the remains, she wants to know who killed her son, then she requires that the perpetrator come speak with her so she can ask him why he killed her son. Finally, she wants him to pay for killing her son”.<sup>55</sup> As the possibility frontier shifted out, the measures able to mitigate her anger and satisfy justice also shifted. Currently, many victims in Colombia recognize that the paramilitaries maintain extensive power and that they have infiltrated the legal, police and political systems. They therefore “do not trust that anything real would happen, ever. So they don’t even request reparation, truth, etc”.<sup>56</sup> This, however, may change.

Second, in the course of a long, deadly and unresolved conflict, many powerful emotions besides anger will be at play. The emotion of fear is perhaps foremost among these emotions. Fear for one’s life exists in Colombia irrespective of the transitional justice process. Transi-

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<sup>55</sup> Personal interview of Sarah Zukerman Daly with Kimberly Theidon, Harvard University, March 2007.

<sup>56</sup> Personal Interview of Sarah Zukerman Daly with Juanita León, Harvard University, January 2007.

tional justice may magnify this sense of insecurity. Victims fear repeated war (that is, the paramilitaries' return to arms) and more specifically, re-retribution by the original offenders (that they will repeat the offence). As the paramilitaries were not militarily defeated, they maintain the ability to re-incite violence, which casts a shadow over the transitional justice process. In addition, the prospect for peace with the guerrillas is dependent, in part, on the process with the paramilitaries and the extent to which revenge and punishments are absent. Some 58% of Colombians are sceptical of a solution to the conflict and, of those that think the conflict will be resolved, they, on average, estimate that it will take 14 years to achieve a solution. The most optimistic say 9 years.<sup>57</sup> The war is not over and so levels of fear remain high. If both fear and anger are present, the net effect on behaviour and the action tendency is indeterminate.<sup>58</sup> Over time, as the security situation improves and the spectrum of possibilities for truth and justice expand, victim's emotions and expectation may change.<sup>59</sup>

As the process of punishment and reconciliation unfolds, the emotions of guilt and shame will certainly come into play. Recall the definitions of these emotions from above: guilt is cognition that one has performed a bad action; the action tendency is to seek atonement. Shame is the cognition that one's own character is defective; the action tendency is toward shrinking away or isolation. The Justice and Peace Law seeks to establish perpetrators' guilt rather than to heighten their shame. The Colombian state would rather have perpetrators voluntarily atone for their crimes and willingly participate in the reparations process than have them slink away from society in total. The law allows for reincorporation into society of most perpetrators. Victims may have a different view than the Colombian state, however. For many victims, the perpetrator's crimes have in fact established a defective character. For many victims, the process should indeed be about creating shame.

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<sup>57</sup> ICTJ, *Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación*, 2006, p. 6.

<sup>58</sup> Jon Elster, *Alchemies of the Mind: Rationality and the Emotions*, Cambridge University Press, Cambridge, UK, 1999, p. 251.

<sup>59</sup> Personal interview of Sarah Zukerman Daly with Kimberly Theidon, Harvard University, March 2007.

The emotions of perpetrators also have to be considered on this issue. Murderers and criminals may not feel the emotion of guilt and experience the motivation to atone for their previous crimes. In Colombia, many paramilitaries do not seem to feel guilt. Instead, feel that they should be thanked for “saving the country” from the insurgents.

Some might hold that the entire framework above is suspect because the most powerful emotion is hatred, not anger. Recall the definition of hatred above: hatred is the cognition that an object or group is both inherently defective and dangerous with action tendency to physically eliminate the presence of that group. The main point here is that hatred, in comparison with anger, is an object-based emotion with no half-life. If victims come to believe that the intrinsic worth and character of the perpetrator is defective, rather than just the perpetrator’s actions, the emotion is not likely to fade. Every time they see the perpetrator, the intense emotion of hate will arise. The victim cannot “forget” or “forgive”. Under the sway of hatred, victims will always desire to eliminate the perpetrator, either in terms of isolation and ostracism, or in some cases even through physical elimination. Correspondingly, if the perpetrator knows that the victim is full of hate there are few incentives to trust the reconciliation process. Truth and punishment may diminish anger, but may not erode hatred. The Justice and Peace Law is betting that the underlying emotional context of the process is one of anger and not hate.

Hatred would not seem to generally fit the Colombian case. Hatred requires categorization of an object as “evil”. It is difficult to make such a categorization when the perpetrators and victims share ethnicity, religion, socioeconomic class, and locality.<sup>60</sup> It is difficult to see the other as defective when they so much resemble one’s own self and family. Furthermore, in Colombia as the same foot soldiers are recycled through the paramilitaries, guerrillas and military and allegiances

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<sup>60</sup> Ethnicity is rarely considered in analyses of the Colombian conflict because ethnicity is generally deemed a non-salient cleavage in Latin America and minorities constitute a small fraction of the Colombian population. However, while Afro-Colombians and indigenous minorities comprise only 5% of the population their proportions vary substantially across the country – from 0.09% in Santander to 88% in Choco. Census data from República de Colombia, 1993.

are fluid. For instance, Wolman Sepúlveda was an EPL guerrilla who later joined the ELN guerrillas and finally became a paramilitary.<sup>61</sup> This lack of differentiation generates a certain level of sympathizing rather than blaming perpetrators of violence. To a certain degree, not to be overestimated, victims understand that, for the paramilitaries and guerrillas, violence is their job in an economic environment that offers few alternatives. Therefore, in some respects, the line between victim and perpetrator is blurred – both are deemed victims of an incessant war in which children grow up believing violence to be natural with employment options limited to paramilitary, guerrilla or military service. For example, the ICTJ 2006 survey found that Colombian victims from smaller towns and with less education were much more likely to also consider the guerrillas and paramilitaries “victims” of the conflict.<sup>62</sup>

In Colombia, it would seem that the focus is on actions, and therefore anger, rather than any conception of inherent negative qualities, the cognitive basis of hatred. Theidon writes, “it is clear that the civilian population has ideas regarding the severity of the crime and the corresponding punishment; within the calculations used in these assessment figures, they consider both the rank of the ex-combatant and the degree of “*conciencia*” (consciousness or free will) that he could exercise in the heat of combat and the sense of guilt [he has] – and that others attribute to [him]”.<sup>63</sup> Clearly, the cognition behind “*conciencia*” focuses on an action committed under certain circumstances rather than an action driven by the inherent negative qualities of the individual.

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<sup>61</sup> For a brief biography of Wolman see Juanita León, *País de Plomo: Crónicas de Guerra*, Aguilar, Bogotá, 2005, p. 70.

<sup>62</sup> ICTJ, *Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación*, 2006, p. 29.

<sup>63</sup> Kimberly Theidon, “Transitional Subjects? The Disarmament, Demobilization and Reintegration of Former Combatants in Colombia”, *International Journal of Transitional Justice* vol. 1, no. 1 (2007). Available at: [http://www.wcfia.harvard.edu/misc/publications/centerpiece/spr06\\_vol20\\_no2/feature\\_theidon.html](http://www.wcfia.harvard.edu/misc/publications/centerpiece/spr06_vol20_no2/feature_theidon.html).

This leads into our final point. Initial evidence suggests that victims and non-victims are both highly and equally disposed to reconcile with their aggressors: some 74% of Colombians consider themselves to be so disposed. Some 47% of victims and 56% of non-victims would accept their aggressors as neighbours; 64% of both groups would offer work or accept to work with their perpetrators post-conflict. However, only 31% (27% of victims, 32.5% of non-victims) agreed that members of the armed groups should be allowed to participate in politics and, if elected, govern and only 34% believe that ex-combatants be allowed to join the Colombian armed forces.<sup>64</sup> Given these initial findings, it seems that possibilities for reconciliation in Colombia are present, but, given the history and scope of the violence, that the road to reconciliation will be complicated and long. The emotions that naturally follow from killings and atrocities will be part of the process. Punishment, the diminishment of anger, and justice are linked. However, the relationship among these three elements is not straightforward. The story is not quite so simple largely because the emotion of anger is not so simple. There are forces that diminish and transform anger in post-violent periods as well as those that sustain it. This article is an attempt to understand those forces and bring the study of these key emotions into the realm of social science and, ultimately, into the realm of violence-torn societies.

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<sup>64</sup> ICTJ, *Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación, y Reconciliación* (2006), pp. 58-62.

FICHL Publication Series No. 5 (2010, Second Edition)

## Law in Peace Negotiations

Morten Bergsmo and Pablo Kalmanovitz (editors)

This volume contains papers presented at the seminar “Peace and accountability in transitions from armed conflict” held in Bogotá on 15 and 16 June 2007. The seminar was co-organised by the Vice Presidency of Colombia, the National Commission for Reparation and Reconciliation of Colombia, Universidad del Rosario and PRIO (its Forum for International Criminal and Humanitarian Law).

The volume has contributions by experts such as Pablo Kalmanovitz, Jon Elster, Claus Kreß and Lena Grover, David Cohen, Monika Nalepa, Francisco Gutiérrez, Ana Arjona, Roger Petersen and Sarah Zukerman Daly, Marieke Wierda, Florence Hartmann, Carsten Stahn, Maria Paula Saffon and Rodrigo Uprimny, and Antanas Mockus.

ISBN 978-82-93081-08-1

**FICHL**



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International Criminal  
and Humanitarian Law

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