**Development vs Peace? The Role of Media in the Law of Victims and Land Restitution in Colombia**

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Abstract

Law of Victims and Land Restitution, ratified in June 2011 and enforced since January 2012, constitutes an unprecedented attempt to end armed conflict in Colombia by applying a transitional justice framework and fostering rural development. Drawing on a methodology that integrates framing and rhetorical analysis, this paper analyses the role of 7 national and local Colombian newspapers in promoting governmental or alternative actors and frames regarding institutional, developmental and peace and human rights agendas linked to this legislation. In addition, it evaluates the influence of rhetorical framing on media’s role and the resulting quality of media coverage. Our results show that media promoted governmental frames regarding institutional and developmental issues, and alternative frames advocated by other actors in relation to peace and human rights issues. In addition, they confirm the key importance of rhetorical framing in shaping that role. This was detrimental to the quality of media coverage geared towards sustainable peace and human development.

Keywords

Law 1448 of Victims and Land Restitution, Colombian media, rural development, peace, human rights, rhetorical frames

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**Introduction**

Law 1448 of Victims and Land Restitution was approved in July 2011, and its period of implementation, beginning in January 2012, is intended to last 10 years, until 2021. The Law is a transitional justice tool guaranteeing that those responsible for human rights violations are brought to justice and that the rights to justice, reparation, truth and guarantees of non-repetition are secured for the victims. It also includes measures to restore land stolen by illegal armed actors to its original owners (Ministerio de Justicia, 2011: 17-18; Ministerio de Justicia, 2016). The Colombian President Juan Manuel Santos defined the Law as a tool for peace and a “true agrarian reform” that will pay a historical debt to the rural victims of the armed conflict (Presidencia de la República, 2010; Política, 2012). The Colombian Government’s peace policy also included negotiations with the main left-wing guerrilla group in the country, the Revolutionary Armed Forces of Colombia (FARC) (2012-2016) whose historical demand has been for agrarian reform.

As of January 2017, the Land Restitution Unit reported 100,158 requests made for the restitution of 84,609 properties, of which 42,757 cases have been processed. So far, 26,802 victims have benefited from orders of restitution decided upon by judges (Unidad de Restitución de Tierras, 2017). Nevertheless, such numbers are low in comparison to governmental expectations. On April 9th, 2012, during a discourse commemorating the Day of Victims, the President stated that the governmental aim was to redress 411,000 victims and their 139,000 claims by the end of his mandate in 2018 (Santos, 2012).

The implementation of the Law has been attempted in the middle of an ongoing armed conflict that includes left wing insurgency, right wing paramilitarism, criminal gangster activity, drug trafficking, institutional corruption and impunity. The Law is also subject to conflicts between the new land owners and the victims of displacement and dispossession of those lands. Between 2012 and 2014, the Public Prosecution Office investigated 35 murders linked to the process (Amnesty International 2014: 34).

The present article explores the role of Colombian newspapers in promoting governmental or alternative actors and frames regarding institutional, developmental and peace and human rights agendas linked to this legislation. In addition, it evaluates the influence of rhetorical framing on media’s role and the resulting quality of media coverage by quantifying rhetorical fallacies and figures embedded in contesting media frames. Our results show that newspapers promoted governmental frames regarding institutional and developmental issues, and alternative frames advocated by other actors in relation to peace and human rights issues. We found that promoted frames contained a higher concentration of rhetorical figures and fallacies, pointing to the key importance of rhetorical framing in shaping media’s role. We argue that this had detrimental implications for the quality of media coverage geared towards sustainable peace and human development.

Newspapers are a privileged news format due to their partisan voice and articulation of opinion (McNair, 2007: 68; Robinson, et al., 2010: 7). Newspapers have a “greater tendency [than other news media formats] to express overt political opinion and influence elite opinion” (Robinson, 2002: 3). The mainstream press “sets the tone for public discourse”, becoming an object of monitoring and use for strategic communication by influential actors for whom it is difficult to govern without efficient press management (Bennett, et al., 2007: 58-59). This is the case in Colombia where, apart from the national newspapers (El Tiempo and El Espectador), each geographical department has its own mainstream newspapers with links to powerful political and economic sectors.

Few works have explored the media coverage of the Law of Victims and Land Restitution, and most of them have confined their analysis to newspapers with a national scope. Vélez-López (2013) explored media coverage of the congressional discussion before the approval of the Law in two national newspapers and a prominent Colombian current affairs magazine. The author concluded that “the focus of the main Colombian communication outlets seems to emphasize only the historical importance of the law, which is also the focus of the government, and casts aside the criticism of its implementation, the scant participation of the victims in its drafting, and the more than 20 leaders assassinated by illegal agents that oppose restitution” (Vélez-López 2013, p. 79). Pardo Abril (2013) analysed how four political cartoons focusing on Law 1448, taken from two national newspapers condemned physical violence and legal manoeuvring against farmers to grab their land. Our work contributes to previous body of work in not only assessing a sample of national and local news media coverage of the first year of the Law’s implementation, but also by integrating rhetorical and framing analysis in a systematic fashion.

***Transitional justice, development, and peace***

The purpose of the Law 1448 is:

“To establish a set of judiciary, administrative, social, economic, individual and collective measures in benefit of the victims of violations (…) within a framework of transitional justice, in order to make possible the enjoyment of their rights to truth, justice, reparation with guarantees of non-repetition”. (Ley de Víctimas y Restitución de Tierras y sus Decretos Reglamentarios, June 10, 2011, Title I, Chapter 1, Article 1)

Law 1448 encompasses compensation and reparation of victims of the armed conflict, backdated to 1985, and measures of land restitution for victims backdated to 1991. Victims of armed conflict before 1985 are given a right to truth, alongside symbolic compensation and guarantees that violations will not be repeated (Ley de Víctimas y Restitución de Tierras y sus Decretos Reglamentarios, June 10, 2011, Title I, Chapter 1, Article 3, paragraph 4). Besides the differentiation according to the period of victimization, the Law includes the principle of “differential focus”, by which it offers guarantees and protection to particularly vulnerable groups such as women, children, elderly and the disabled (Ley de Víctimas y Restitución de Tierras y sus Decretos Reglamentarios, June 10, 2011, Title I, Chapter 2, Article 13).

In terms of economic redress, the Law contains provisions for access to credit and credit relief, the job market and skills training. In addition, there is a possibility of legal intervention in areas claimed for restitution but where agro-industrial projects are currently underway. In such cases:

“…The judge familiar with the process can authorise the celebration of contracts between beneficiaries of restitution and the opponent [current occupant] who was developing the productive enterprise, on the basis of the recognition of the rights of those restituted and if the opponent has proved ownership guilt-free and in good faith. If ownership in good faith is not established, the judge can hand in the project to the Special Administrative Unit of Management of Land Restitution to exploit the land through third parties and the profits will be destined to programmes of collective reparation of victims located in the vicinity of the land including the beneficiary of restitution” (Ley de Víctimas y Restitución de Tierras y sus Decretos Reglamentarios, June 10, 2011, Title IV, Chapter 3, Article 99).

For some commentators, the legislation strengthens the historically weak ability of the Colombian state to register and protect land tenure rights insofar as Law 1448 encompasses a demand for the resolution of rural conflicts, such as those between peasants occupying state land and rich land-owners who illegally appropriated those lands and accuse the former of illegal occupation (Reyes Posada, 2016: 41). Meanwhile, others have criticised the implementation of the Law on the grounds that the government intention is to improve Colombia’s poor human rights reputation while reinforcing a market-led model of land tenure and an economic model based on raw material extraction, these latter two being seen as causes of the conflict in the first place (Martínez Cortés, 2013; Robledo, 2012).

These views highlight some relevant themes in existing literature about transitional justice and development. The first one is the link made between transitional justice and a market model of land-tenure. For Huggins (2009), the links made between land restitution and formalization of land ownership for its commercialization correspond to a market model of land tenure dominant since mid-1990, in which formalization is related to economic growth. Huggins (2009) maintains however, that it is far from clear that the security of land tenure has been reinforced by ownership registration programmes or that customary rights are less effective or economically productive than registration. Other authors reject a correlation between transitional justice and economic growth outright (Duthie, 2008; Dancy and Wiebelhaus-Brahm, 2015; de Greiff, 2009; Roth-Arriaza and Orlovsky, 2009: 175).

The second theme is the ability of the state to protect socio-economic rights through transitional justice measures. For some authors, the focus on political and civil rights in the implementation of transitional justice neglects broader socioeconomic rights. This may be problematic, as, according to this perspective, marginalization, structural inequality, corruption, and economic crimes are interlinked and at the root of conflict and human rights abuses. Accordingly, any sustainable peace will require measures of redistributive justice, accountability for economic crimes and corruption linked to violence, and the inclusion of a development agenda in transitional justice efforts (Miller, 2008; Mani, 2008; Duthie, 2008; Carranza, 2008; Laplante, 2008; Pasipanodya, 2008; Muvingi, 2009).

**Theoretical background**

***The role of media***

Scholars have described the different roles news media can perform in relation to political actors and agendas. At one end of the spectrum, news media can be “elite-driven” (Robinson, et al. 2010), “manufacture consent” for the establishment (Herman and Chomsky 1994), reproduce a “sphere of consensus” (Hall et al. 1978, Hallin 1986), or be a “faithful servant of authorities” (Wolsfeld 1997). Factors explaining this role include: ideological dominance (Herman and Chomsky 1994) and patriotism (Bennett and Paletz 1994); elite consensus; journalism’s structural dependence on elite sources for information and authoritative views (Hall et al. 1978, Hallin 1986); authorities’ political control (Wolfsfeld 1997); and cultural resonance of elites (Gamson and Modigliani 1989, Entman 2004). From these perspectives, despite the presence of different media outlet orientations and audiences, ultimately the media presents the views of the ‘primary definers’ to the public (Hall et al. 1978:61).

Another role of news media is to reproduce “tactical dissent” (Herman and Chomsky 1994), a “sphere of legitimate dissent” (Hallin 1986), or behave as “semi-honest brokers” (Wolfsfeld 1997). This role emerges because of disagreements between key media sources leading to the counter-perspectives of actors legitimated politically being visible in the coverage. However, authors argue that media criticism tends to be “procedural”, focused on strategies, actions or people, rather than fundamental criticisms of the system. Controversies will be played out by politically legitimated adversaries “in terms pre-established by the primary definers and the privileged definitions” (Hall et al. 1978:64), and weak adversaries or public opinion will be only included in support of elite perspectives (Bennett 1990). At the same time, illegitimated actors and perspectives will activate a “boundary maintaining mechanism” (e.g. Hallin 1986), or “strategic areas of silence” in media representation (Hall et al. 1978: 65), excluding them either from access to media, or from legitimate representation.

At the other end of the spectrum, news media can follow an “independent model” when journalists themselves challenge political elites’ claims guided by journalistic professionalism and a liberal understanding of the public sphere as a free marketplace of ideas (Robinson, et al. 2010). Scholars also contemplate the possibility of media adopting a watchdog stance by advocating for the “underdog”, that is, the weak antagonists of the establishment (Wolfsfeld 1997). Alternatively, media can adopt an “oppositional model” when journalists oppose governmental policy and carry out substantive criticism of the rationale underpinning it without necessarily defending the weakest adversaries (Robinson, et al. 2010). Some explanations for these more oppositional media roles include: officials losing control over events (Wolfsfeld 1997); unexpected events putting elites on the defensive (Lawrence, 2000, Bennett and Lawrence 1995, Montoya 2011); lack of cultural congruence in elites’ message (Entman 2004); and weaker challengers becoming reliable and legitimate sources for news media (Schlesinger and Tumber 1994).

Scholars have also focused on public interactions, appropriations and uses of media. Barbero (1998, 2002), for example, proposes closer attention to how the public has appropriated media, at the same time as recognising themselves *through* media. Maltby (2012) points to the military’s adaptations, appropriations and constructions of meaning in relationship with media and imagined audiences. These perspectives, then, turn the spotlight onto the consumers of media.

Authors have, therefore, presented several accounts of the media’s role. It may be a servant of power, a forum for limited or more radical debate, or a principled opponent of state policy. Alternatively, research might focus on the public interaction with the media. Our own work seeks to understand the role of media in promoting competing frames and how that role may vary across institutional, developmental and peace and human rights issues linked to the Law.

***Rhetorical Frames***

The theoretical perspective adopted in this research integrates framing and rhetorical analysis. For Goffman (1975: 10-11) frames are “definitions of a situation (…) built up in accordance with principles of organization which govern events and our subjective involvement in them”. Frames entail a process of selection and hierarchical organisation of perceived realities. Entman (2004: 5) maintains that framing involves choosing certain features of events in order to support particular interpretations or solutions. Frames, then, are organising ideas formed by symbolic and argumentative devices that define events and issues and suggest causes and courses of action based on principles and broader goals (Entman, 1993: 52; 2004:.5; Gamson and Modigliani, 1989: 3-4; Pan and Kosicki, 1993: 64).

Frames contain rhetorical devices that are supported in the hierarchical organisation of texts as well as in their narrative structures (Entman 1991:7). Important contributions towards an integration of rhetorical and framing analysis include the work of Gamson and Modigliani (1989:3-4), who define frames as interpretative packages which deploy metaphors, catchphrases, depictions, historical examples and visual images to portray core messages in a condensed manner. Entman (2003) maintains that actors seek power consolidation via activation of mental associations through shared knowledge. Following on from these authors, we explore competing frames and supporting rhetorical devices highlighted by news media, assuming that rhetorical devices constitute “cultural hooks” that trigger the cultural acceptance of frames.

Pan and Kosicki (1993) have analysed the “rhetorical structures” of news media discourses. These are the rhetorical stylistic choices made by journalist and sources to increase the impact of their message. A key contribution of these authors is the establishment of meaningful propositions (noun and verb) as units of analysis, facilitating the integration of rhetorical and argumentative devices. Our own work has drawn upon the observation of meaningful propositions. However, we diverge from these authors in that we quantify the use of fallacies and rhetorical figures embedded in them, rather than using their qualitative approach.

More recently, Kuypers (2010) has explored the notion of rhetorical framing by asking how language choices allow the understanding of an issue or event. This author proposes an interpretative approach, rhetorical criticism, to identify emerging themes in political discourse and news media narratives and their framing. Our research draws upon the notion of rhetorical framing as language choices which allow the understanding of issues, however we base our discussion upon a quantitative analysis.

Cârlan and Ciocea (2014) applied a qualitative ‘model of deliberation’ to analyse rhetorical construction of framing in four opinion articles on intra-EU migration from newspapers in Romania, France and Britain. This model analyses rhetorical resources in support of the claims and counterclaims made about the issue of migration. For the authors, frames communicate preferred perceptions by linking information to culturally familiar symbols (p.77) and the presentation of situations via rhetoric facilitates particular understandings and generation of solutions. Their qualitative rhetorical approach to framing aims to “provide analytical insights into framing processes” (p.73) and in particular “frame building” by communication sources and its subsequent creation in the text (p. 76).

In summary, the authors discussed above focus on qualitative analysis of rhetorical devices, with the assumption that they are key in the projection of preferred perceptions and understandings of events in the news media. Our work builds upon this literature by integrating rhetorical and framing analysis in a more systematic fashion. Accordingly, we quantified prevalent types of rhetorical figures and fallacies contained in meaningful propositions in news media texts, and also their orientation with regards to governmental narrative.

While previous works have tended to analyse how competing frames make use of particular rhetorical devices about one issue in small samples of articles, our work assessed rhetorical framing of different issues discussed regarding the Law 1448 in a relatively large sample. This approach allowed us to question the contribution of rhetorical framing in shaping the role of media and the overall quality of the coverage. For example, if media’s role is closer to being a servant of power in our analysis, could we expect a greater use of rhetorical devices in comments supportive of, or converging with, the governmental stance? Alternatively, if media becomes a forum for strategic criticism, could we expect governmental and oppositional frames parity in terms of use of rhetorical devices? On the basis of the insights of the earlier authors, discussed above, we expected to find a relationship between frames promoted by the media and greater presence of rhetorical devices within those frames. Additional questions with regards to rhetorical framing and the resulting quality of media coverage included: to what extent are fallacies embedded in the most highlighted frames and issues discussed? What types of rhetorical figures and fallacies tend to support contending frames and dominate media coverage?

**Methodology**

The sample included 1,474 information and opinion articles in 7 national and local newspapers between 2012 and 2013. The period chosen corresponded to the first year of implementation of the Law and the discussion between the government and FARC about rural development, peace and transitional justice. The newspapers chosen are of geographical relevance, as they are published in some of the priority regions for the implementation of the Law: El Tiempo and El Espectador (national outlets), El Colombiano, (Department of Antioquia and Cordoba), El Heraldo (Department of Atlantico and the Caribbean cost), El País (Valle and Cauca), El Meridiano de Córdoba (Cordoba and Sucre) and Hoy Diario del Magdalena (Magdalena)[[1]](#footnote-1). Our sample privileged printed versions of newspapers. The analysis presented in this article focused on aggregate tendencies in the coverage of different issues rather than differences between outlets, a theme we have developed in a forthcoming publication [REFENCE DELETED FOR THE REVIEW TO MAINTAIN ANONYMITY OF AUTHORS].

The articles selected focused primarily on the Law. Those articles that mentioned the Law as a part of other issues or events reported were not considered for the analysis. A database was specially designed for the purposes of the research. Given the interpretative nature of the research and the resources at our disposal, we carried out a double revision of the coding in the database. Accordingly, while the research assistant and one of the researchers carried out the coding of news articles in the database, the other researcher reviewed the coding. Afterwards, the researcher who was in charge of the review would carry out the coding of opinion items along with the research assistant, and the other researcher would be in charge of reviewing the coding. The coding of information was carried out by the researchers with the support of an assistant. An inter-code reliability test was carried out with 70 articles (a representative sample with 0.85 reliability and 0.05 sample error). Simple percentage for agreement ranged between 90.9% and 70.4%. Scott’s pi was also tested, resulting in 82.5% for the categorisation of issues, 88.3% for sources, 82.1% for subjects, and 68.3% for comments’ tone. The slightly lower score for tone is consistent with this variable being more open to individual interpretation. The variables included in our analysis are listed with accompanying explanation below.

*Positioning of the Law in news media agendas*

We categorised each article in terms of its main topic and observed the number of articles published per topic. We grouped these topics into issues as follows: a) rural and economic development issues; b) institutional issues (encompassing articles about the promotion and implementation of the Law, international cooperation and foreign policy, and state corruption and inefficacy); c) peace and human rights issues (security and armed conflict, the peace process, and transitional justice and human rights).

*Leading actors*

We identified individual actors mentioned or quoted in an article and categorised them by social sector (government and dependent institutions, security forces, business associations, trade unions, left-wing guerrillas, etc.). We coded the presence of sources quoted using the news article as a unit of analysis. Accordingly, we counted the presence of a source in the article rather than how many times that particular source was quoted within a single article. In addition, we identified the actors mentioned and whether they were mentioned in a neutral fashion (without adjectives or qualifications) or whether explicit adjectives or comments were linked to them regarding themselves, their actions or statements in a positive, negative or mixed way. If, for example, President Santos was directly quoted making a statement about the security of victims, then the coding would identify him as a source. If, in the same article, another source, such as Senator Uribe, made a critical comment about the lack of political legitimacy of President Santos, then the coding identified Senator Uribe as a source and President Santos as a subject mentioned in a negative way. So the same article would generate two codings for Santos: one as source and one as subject.

*Rhetorical frames highlighted by news media*

We identified individual comments or meaningful propositions, using Pan and Kosicki’s (1993:65) definition of…as ‘noun unit plus verb unit’, made by the authors of the articles (journalists, columnists, etc.) and the sources quoted. Then, for the purposes of this analysis, we recorded whether the comment:

1. was explicitly supportive or convergent with the government’s perspective, oppositional, or proposed alternative views;
2. contained fallacies, understood as stratagems used by different actors to achieve support for certain agendas by distorting the truth. These were identified based on definitions and typologies proposed by authors such as Perelman and Olbrechts-Tyteca (1989), Hamblin (1998), Díaz Rodríguez (2009) and the online dictionary of Ricardo García Damborenea (s.f.). We drew on the distinction between fallacies of composition, where the conclusions are not warranted by the premises, and linguistic fallacies. Fallacies of composition included: *ad hominem*; appeal of authority; *petitio principia*; generalizations; *ad populum*; false causal nexus; false analogy; cherry-picking; false dilemma; and wishful thinking. Examples of linguistic fallacies identified included euphemism, emotional appeal, and epithets, amongst others;
3. contained rhetorical figures, basing our typology on Lakoff and Johnson (2001) and Aristotle’s distinction between diction and thought (Aristóteles 2007). We identified figures commonly found in journalistic discourse, including: metaphors; colloquial expressions; simile; paradox; *enumeration*; personification; allusion; persuasive definition; irony; anaphora; epithet; hyperbole; and persuasive definition.

In the following sections, we first compare the focus of media coverage on institutional, peace and human rights or development issues. Then we explore the extent to which governmental sources and subjects were dominant in the coverage and what types of comments prevailed vis-à-vis the government on each issue. Subsequently, the article describes how media favoured governmental or alternative frames on each issue, as well as the use of fallacies and rhetorical devices in support of them. Finally, the discussion summarises our conclusions in relation to the role of media in promoting competing frames regarding the issues discussed, the importance of rhetorical framing in shaping that role and the resulting quality of media coverage. In addition, we offer some implications from our findings for public understanding of the relationship between transitional justice and sustainable development and peace.

**Results**

Table 1 illustrates the amount of coverage dedicated to different issues. Most articles (411 [27.9%]) focused on institutional processes involved in the promotion and implementation of the Law including administrative processes and official events. Issues of peace and human rights were more discussed (71 articles [4.8%]) than the implications of the Law for rural and economic development. Nevertheless, in relation to peace and human rights, most of the coverage was dedicated to threats to the implementation of the Law posed by armed conflict.

Table 1. Coverage of issues\*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Issues | Items | Percentage of articles | Topic | Total items (percentage) |
| Promotion/ implementation | 868 | 58.9 | Institutional | 992 (67.3) |
| International cooperation/foreign policy | 39 | 2.6 |
| State corruption / inefficacy | 85 | 5.8 |
| Security/armed conflict | 296 | 20.1 | Peace/human rights | 411 (27.9) |
| Peace process (Government and FARC) | 99 | 6.7 |
| Transitional justice/human rights | 16 | 1.1 |
| Rural/economic development | 71 | 4.8 | Development | 71 (4.8) |

\*A chi square test of goodness of fit was performed. News articles were not equally distributed in the issues X2=2,633.32, p < 0.05 and p<0.01 (significant results).

In general, the sources most quoted (1,211 [44.5%]) in the overall coverage were those belonging to the executive branch of government and its dependent organs. These were followed by the victims (247 sources [9.1%]), non-governmental organizations or NGO (211 [7.7%]), and the legislature, that is, Congress and the House of Representatives (144 [5.3%]). Control organs came next in descending order, including: the Ombudsman’s office, the Attorney General’s Office and the Government Watchdog (133 [4.9%]). These were followed by businesspeople and business associations (123 [4.5%]), and representatives of the Judiciary, including national and local courts and tribunals, the Public Prosecutor’s Office and magistrates (116 [4.3%]).

The subjects most mentioned in the coverage were the executive power and dependent organs (2,482 mentions [23.8% of all the subjects mentioned]), followed by the victims and their representatives (1,733 [16.6%]), right wing paramilitaries, including so-called “anti-restitution armies” (1,075 [10.3%]), the judiciary (715 [6.9%]), left wing guerrillas (592 [5.7%]), businesspeople and business associations (540 [5.2%]) and civil society (536 [5.1%]).

Although neutral mentions prevailed for most actors, negative mentions dominated for left wing guerrillas (74.16%) and right wing paramilitaries (92.47%). Business associations had neutral mentions (45.74%), closely followed by negative mentions (41.85%). For other actors, neutral mentions prevailed, but were followed by a smaller proportion of negative mentions, for example for the executive (73.81% neutral followed by 12.85% negative), the Judiciary (90.21% followed by 5.87%) and civil society (89.18% followed by 6.53%). Victims received mainly neutral mentions (95.7%) followed by a small proportion of positive ones (2.1%).

Table 2 shows the extent to which governmental officials and dependent institutions[[2]](#footnote-2) were dominant as sources and subjects of the coverage, and the most frequent type of mentions for this sector in relation to each issue.

Table 2. Government dominance and type of mention per topic (percentage)[[3]](#footnote-3)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Issues | Topic | Government as dominant source (percentage) | Government as dominant subject (percentage) | Type of comment (percentage) |
| Promotion/ implementation | Institutional | 51.13 | 27.2 | Neutral (79.2), positive (9.1) |
| International cooperation/foreign policy | 25.93 | 25.7 | Neutral (80), positive and negative (5.5 each) |
| State corruption / inefficacy | 58.78 | 25.9 | Negative (53.9) |
| Security/Armed conflict | Peace/Human rights | 35.3 | Government  non-dominant  14.8[[4]](#footnote-4) | Government:  Neutral (71.2), negative (18.4) |
| Peace Process (Government and FARC) | 30.59 | 20.8 | Neutral (74.1), negative (10.5) |
| Transitional justice/Human rights | 52.38 | 21.8 | Neutral (85.2), positive and mixed (7.4 each) |
| Rural/Economic development | Development | 34.65 | (24.8) | Neutral (52.9), positive (21) |

In all the issues discussed, the government was the dominant source. It was also the main subject of information except in the articles linked to security and the armed conflict in which the victims were foregrounded as subjects (20.8%). The government achieved greater legitimacy in discussions about rural development in which most of the comments were neutral followed by positive or supportive assertions. In contrast, media coverage about peace and human rights tended to be more mixed for the government and its officials: the comments were neutral and, to a lesser extent, negative in articles related to the armed conflict and the peace process. For example, the assertion that the Unit of Land Restitution “has only served to receive documents so far” (El Heraldo, April 10, 2012), or that the government negotiating team in talks with FARC “doesn’t represent anybody from the rural or cattle owning sector” (Betín del Río, November 25, 2012). Assertions relating to transitional justice and human rights were mainly neutral, followed by mixed and positive. Discussions on the institutional aspects of the promotion and implementation of the Law and international cooperation and foreign policy favoured the government as an actor, but in articles related to corruption and institutional inefficacy most comments were negative, for example one reported source mentioned “government slowness” in relation to victims (Macías, June 10, 2012).

Table 3 shows whether assertions by sources or authors of the article converged with or supported the governmental frame, directly opposed it, or presented alternative views. Articles about rural and economic development tended to favour the government, as most of the comments by sources and authors of those pieces were either supportive or convergent with the Administration’s narrative. For example, Santos was frequently quoted saying that FARC’s key demand had been neutralized “since the guerrilla group has always said that land is for rural farmers, which is what the Santos Government is going to do” (Colprensa, January 30, 2012).

Table three also shows that articles about peace and human rights had more mixed results for the government. Here, alternative assertions outnumbered comments in favour of governmental narratives, and in only one case, transitional justice, did most of the comments support the governmental frame. Alternative assertions included comments that threats sent by the right-wing criminal gang “Aguilas Negras” (black eagles) to the NGO “Casa de la mujer” (House of Women) were “worrying because in Colombia female leaders are murdered” (Ayola, March 4, 2012). In relation to the peace process, the president of the Association of Colombian cattle farmers FEDEGAN, José Félix Lafaurie, identified the perpetrators of displacement and dispossession exclusively with FARC: “The Law of Land Restitution is budding, but the land dispossessors themselves are tripping the Law up, even though they claim land as the flagship cause for their armed struggle” (Lafaurie, September 30, 2012).These assertions are not contradicting or criticising the governmental frame, but introducing alternative interpretations and angles.

An example of supportive or convergent comment vis-à-vis the government regarding transitional justice, is in the news about the opening of a governmental office, the Unit of Attention, to support victims in the Department of Sucre. The journalist asserts that “since last November, victims of violence have what will be their house, the place where they will receive the necessary attention and information to keep on with their struggle” (Toscano Monterrosa, January 6, 2013).

Discussions on the institutional aspects of the promotion and implementation of the Law in relation to international cooperation and foreign policy favoured the governmental narrative, while articles related to corruption and institutional inefficacy tended to bring alternative views to the foreground. An example of the latter is a quote from a judge responding to criticisms about the ineffectiveness of the judiciary: “The blame is on the Congress for designing a Law which stops us from incarcerating people if requirements are not fulfilled or the Public Prosecution Office doesn’t provide enough evidence to justify a decision” (Monroy Giraldo, January 13, 2012). This criticism is not directed against the executive power, but points to a procedural shortcoming originated in the Congress.

Table 3. Dominant comments in relation to the government’s frame (percentage)\*

|  |  |
| --- | --- |
| Issues | Type of comment |
| Promotion/ implementation | Supportive/Convergent (48.6) |
| International cooperation/foreign policy | Supportive/Convergent (47.2) |
| State corruption / inefficacy | Alternative (37.4) |
| Overall institutional | Supportive/Convergent (47.26) |
| Security/armed conflict | Alternative (48.7) |
| Peace Process (Government and FARC) | Alternative (57.9) |
| Transitional justice/human rights | Supportive/Convergent (43.3) |
| Overall peace/Human rights | Alternative 50.28 |
| Rural/economic development | Supportive/Convergent (41.7) |

\*A chi square was performed. The relation between issues and types of comment was significant, x2 = 243.23, p < 0.05 and p<0.01. The Cramer’s V for association between variables was V = 0.36 (strong).

Overall, the discussion about rural and economic development allowed for greater legitimacy of the government as an actor and for more supportive coverage of its frames than the media coverage linked to peace and human rights. In the latter case, there was a more mixed picture regarding the government’s legitimacy as an actor and greater prominence of alternatives to the official line. Moreover, the discussion of institutional issues tended to favour the government and its narrative except when addressing the issues of corruption and institutional inefficacy, in which cases the government’s legitimacy was criticised and alternative frames achieved greater prominence.

***Rhetorical framing***

The number of fallacies identified was 815. These included: *wishful thinking* (172 fallacies [21.1% of the total of fallacies]); *emotional appeal* (107 [13.1%]); *generalization* (103 [12.6%]); and *ad populum* (87 [10.7%]). As an example of *wishful thinking*, the President was quoted saying “we won’t allow either side [left-wing or right-wing enemies of the Law] to stop the process” (Esquea, August 4, 2012). An *emotional appeal* was made out by the Superintendent of Notary and Registry, who asserted that “the most dispossessed actor is the government. Today there are no available wastelands in the hands of the state, individuals have appropriated those lands” (Castro, Colprensa, March 13, 2012). On the issue of development, *generalisation* was used: “the entire country applauded the announcement of President Santos to make the agricultural sector one of the ‘train engines’ his administration programme would be focusing on” (Ramos, May 26, 2013). An example of *ad populum* came from Nestor Raúl Correa, President of the High Council of the Judiciary “the path of hope is cleared for the families with the first collective handover land in Mampuján by the government” (Rodríguez, December 20, 2012).

Rhetorical figures numbered 1,683. These included: *metaphors* (660 rhetorical figures [39.8% of the figures identified]); *popular sayings* (258 [15.3%]); *epithets* (216 [12.8%]); and personification (131 [7.8%]). Amongst the most quoted *metaphors* by the Minister Juan Camilo Restrepo and President Santos, were “agrarian train engine” (e.g. Redacción Locales, January 27, 2012), “a spoke in the restitution wheel” (Colprensa, January 7, 2012), and “land as a war booty of armed actors” (Bonilla, January 20, 2012). *Colloquial expressions* included Senator Jorge Robledo, who said “this government is like a hen: promises ten eggs, lays two and cackles as if it had laid out twenty” (Redacción Política, May 29, 2012). Amongst the most common *epithets* in media coverage was “owners in good faith” (e.g. Sánchez, April 13, 2013) referring to those owners whose lands were being claimed in restitution processes. An example of *personification* is the editorial entitled “Law without teeth” (El Meridiano de Córdoba, May 13, 2013).

Table 4 shows the use of fallacies and rhetorical figures in relation to the issues discussed. Overall, the highest concentration of fallacies and rhetorical figures was in the media coverage of institutional issues followed by peace and human rights. The issue of rural development had the lowest concentration of fallacies and rhetorical figures. Although highlighted topics in media coverage had the highest concentration of fallacies and rhetorical figures, the statistical test did not find a strong correlation between both. In other words, the fact that certain issues were highlighted in the media was not necessarily associated with their higher concentration of rhetorical devices.

Table 4. Percentage of total of fallacies/figures used \*

|  |  |  |  |
| --- | --- | --- | --- |
| Issues | Topic | Percentage of total of fallacies used | Percentage of total of rhetorical figures used |
| Promotion/ implementation | Institutional | 63.68 | 63.28 |
| International cooperation/foreign policy | 0.74 | 0.42 |
| State corruption / inefficacy | 2.82 | 4.69 |
| Total Institutional | | 67.24 | 68.39 |
| Security/Armed conflict | Peace/Human rights | 16.32 | 17.23 |
| Peace Process (Government and FARC) | 9.69 | 6.71 |
| Transitional justice/Human rights | 1.47 | 0.42 |
| Total peace and human rights | | 27.48 | 24.36 |
| Rural/Economic development | Development | 5.28 | 7.25 |

\* A chi square was performed. The relation between issues and frequency of fallacies and rhetorical figures was significant, x2 = 23.71, p < 0.05 and p<0.01. The Cramer’s V for association between the variables resulted in V = 0.10 (weak).

Table 5 shows the number of fallacies and rhetorical figures included in supportive, alternative or oppositional comments in relation to each topic. In general, the comments included in articles on institutional issues and rural development used a greater number of fallacies and rhetorical figures in support of or convergent with the governmental narrative, while articles about peace and human rights had a greater number of fallacies and rhetorical figures included in alternative comments. The statistical test performed found that the issues discussed had a strong association with the tone of rhetorical devices. In other words, the extent to which supportive, alternative or oppositional rhetorical devices were highlighted in the media was indeed related to the nature of the issue

An example of a fallacy repeated quite often in support of the governmental narrative on the issue of the implementation of the Law was an *ad hominem* used by the Minister of Agriculture against a senator in the opposition: “Senator Robledo, who didn’t even vote in favour of the Law, presents a picture according to which the Government hasn’t done anything” (Hoy Diario del Magdalena, May 31, 2012). An example of a rhetorical figure in support of the governmental narrative on the issue of the implementation of the law was an allusion made by a journalist in relation to Santos’ efforts: “President Santos started yesterday the great crusade of the state to recover land stolen illegally by FARC” (Melendez, Febrero 21, 2013)

With regards to the issue of rural development, an example of a recurrent fallacy of *generalization* used in support of the government was the following quotation by the Minister of Agriculture: “restitution is tormenting advocates of the extreme left and the extreme right. Those of the left because they believe the rural cause is their privilege. And there are minor groups on the right who advocate for not doing anything, so Colombia can keep its quasi-feudal agrarian structure” (García Sierra, March 17, 2013). An example of a rhetorical figure in support of the government used by Santos, and quoted frequently, was: “this agrarian revolution is not between rich and poor, this is not a class struggle, but a struggle between the legality and those outside the Law” (Hoy Diario del Magdalena, January 28, 2012).

In relation to the issue of peace and human rights, an example of the fallacy of *demonization,* used in an alternative comment by Jose Felix Lafaurie, was the following: “when the government has claims for over 800,000 hectares stolen by FARC, the guerrilla group has said they don’t like restitution because, obviously, they will continue violating the rights of the victims” (Betín del Río, November 25, 2012). An example of a rhetorical figure used in an alternative comment was made by a journalist in relation to FARC: “despite their criticisms of the process of land restitution, they have a ‘tail of straw’ [Colombian expression equivalent to ‘feet of clay’]” (Valero y Meléndez, October 28, 2012).

Table 5. Frequency of fallacies and rhetorical figures in relation to each topic

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Fallacies\* | | | Figures\*\* | | |
| Topic | Supportive | Alternative | Oppositional | Supportive | Alternative | Oppositional |
| Promotion/  Implementation | 347 | 68 | 104 | 479 | 306 | 280 |
| International cooperation/  Foreign policy | 1 | 2 | 3 | 1 | 4 | 2 |
| State corruption/ Inefficacy | 11 | 10 | 2 | 27 | 32 | 20 |
| Total Institutional | 359 | 80 | 109 |  |  |  |
| 507 | 342 | 302 |
|  |  |  |
| Security/Armed conflict | 71 | 56 | 6 | 62 | 141 | 87 |
| Peace Process (Government and FARC) | 10 | 42 | 27 | 27 | 65 | 21 |
| Transitional justice/Human rights | 1 | 2 | 9 | 2 | 1 | 4 |
| Total Peace/  Human rights | 82 | 100 | 42 | 91 | 207 | 112 |
| Total  Development | 28 | 9 | 6 | 51 | 47 | 24 |
| Total | 469 | 189 | 157 | 142 | 254 | 136 |

\* A chi square was performed. The relation between issues and tone of fallacies was significant, x2=170.61, p < 0.05 and p<0.01. The Cramer’s V for association between variables was V= 0.65 (very high).

\*\* A chi square was performed. The relation between issues and tone of rhetorical figures was significant, x2 = 96.60, p < 0.05 and p<0.01. The Cramer’s V for association between variables was 0.34 (strong).

**Discussion**

This article explored the role of Colombian newspapers in promoting either governmental or alternative actors and frames regarding institutional, developmental and peace and human rights issues discussed in relation to the Law of Victims and Land Restitution in Colombia. In addition, it evaluated the influence of rhetorical framing on media’s role and the resulting quality of the coverage by quantifying rhetorical fallacies and figures embedded in contesting media frames. In this final section, we discuss the results and draw some implications for media’s contribution to the possibilities of peace and development linked to the legislation.

The role of media varied in relation to the issues covered and the statistical tests performed identified highly significant differences in our results, beyond what would be expected by random variation. Newspapers examined were closer to elite-driven models in the coverage of institutional issues. The executive power and its officials were the most quoted sources and the sector most mentioned, mainly in a neutral or positive light. Institutional topics were also those in which most fallacies and rhetorical figures were concentrated, mainly in comments favourable to the government. Most of the comments registered were favourable towards the government’s frames, except for articles about corruption and inefficacy in which comments were mostly negative towards the government and advocated alternative perspectives. Regarding the latter, the role of media was closer to tactical or legitimate dissent (Herman and Chomsky 1994, Hallin 1986), insofar as officials were still primary definers, and alternative rather than oppositional comments where dominant.

The issue of development was the least reported on but newspapers followed the elite-driven model. Governmental officials were the main sources quoted and the main subjects mentioned, mainly in a neutral and positive way. Most of the comments were either supportive or converged with the Administration’s narrative about the Law as a tool for commercial development and the promotion of alliances between farmers whose land has been returned and big businesses. Also, most of the fallacies and rhetorical devices were used in comments supportive of the government’s perspective.

In relation to issues of peace and human rights, media’s role overall became closer to advocates of the victims of land grabbing. Most of the coverage focused on the dynamics of security and the armed conflict resulting from the implementation of the Law and victims were the main subjects covered on this issue. The government was mentioned mostly in neutral, followed by negative, assertions in coverage related to the armed conflict and the peace process. In addition, most comments in articles focusing on security and armed conflict and the peace process were alternative to the governmental narrative, and only a minority of them that focused on transitional justice were supportive or convergent. The coverage linked to peace and human rights was richer in fallacies and rhetorical figures than the coverage related to rural and economic development and these rhetorical devices were included mainly in alternative comments.

Factors pointed to in previous literature in order to explain the elite-driven role of media in the issues explored include: the power and motivation by the government to further the legislation using political and communication strategies (Entman 2004), structural dependency of journalists on governmental officials to report on the implementation of the Law (Hall et al 1978, Hallin 1986), and governmental political control over initiation of events except in reporting over corruption or inefficacy and violence against claimants, which opened windows of opportunity for criticism and alternative views against the Executive branch (Wolfsfeld,1997). In this context, victims and NGOs became legitimate sources of the news coverage (Schlesinger and Tumber 1994).

Another factor, the lack of cultural congruence in the governmental narrative (Entman 2004) was reflected in the right-wing party Democratic Centre and the national cattle farmers’ association’s view that the government and “false victims” were using the Law to grab land from “owners in good faith” (those who bought the land without knowing it had been stolen), thus increasing left-wing guerrillas territorial control [REFERENCE DELETED FOR THE REVIEW TO MAINTAIN AUTHORS’ ANONIMITY], while hampering investment. Consequently, the government was more successful in promoting its market-oriented rural development initiative based on alliances between big businesses and restituted victims (REFERENCE DELETED FOR THE REVIEW).

Our findings also confirm the importance of rhetorical framing in shaping the role of media. Our tests of association (V) suggest that, although it may be coincidental that highlighted issues concentrated more rhetorical devices in media coverage (see weak association in table 4), different issues were closely related to a higher concentration of rhetorical devices in supportive, critical or alternative stances vis-à-vis the governmental narrative: this was reflected in comments supported by fallacies and rhetorical figures used by authors and sources of the articles. In addition, the frames highlighted in the media regarding different topics (table 3) coincided with a greater concentration of rhetorical fallacies and figures in those frames (table 5).

Regarding the quality of the coverage, the most discussed issues and the most highlighted frames in the media were supported more heavily by rhetorical figures and fallacies. Accordingly, news media did not necessarily highlight the best arguments, but those more heavily charged with symbolic devices and popular appeal, even if deceitful or flawed. Although more work should be carried out in future research on the generalizability of these results in the light of different journalistic cultures and issues, our findings are important in confirming more systematically the insights of earlier interpretative research regarding the key role of rhetoric in the projection of preferred interpretations in the public arena. In addition, these results contribute to calling attention towards the fact that mainstream journalism, instead of confronting obviously flawed or deceitful arguments, promotes them if deemed newsworthy and culturally resonant.

Finally, our results have implications for media’s contribution to the possibilities of peace and development linked to the legislation. The fact that most of the articles in the sample focused on institutional issues kept the coverage centred on procedural politics rather than the more structural issues of development and peace/human rights.

Regarding the debates on development and peace/human rights, Colombian newspapers favoured the government’s strategy of fostering market-oriented rural development via the Law, whilst also reproducing conservative elite concerns about keeping socioeconomic structures untouched. In following this consensus, news media lost the possibility of fostering public opinion which was at least aware of the positive links between transitional justice, human development broadly conceived and a sustainable peace via wide-ranging socio-economic reform during the first stage of the implementation of the Law. This was reinforced by the fact that articles which linked the Law with the peace process received less favourable coverage at a time when agrarian reform was being negotiated. Such coverage was detrimental to peace insofar as a key demand of FARC in the peace process is the democratization of land tenure and although an historical agreement was reached in May 2013, media coverage suggest that key economic and political sectors were not supportive.

As noted earlier in this article, governmental focus on formalization of land ownership has not been coupled with security of land tenure (Huggins 2009), or security for victims. Furthermore, the emphasis on redress for victims of illegal armed groups has overlooked the culpability of political and economic actors, and the widespread corruption and inequalities which are at the heart of the armed conflict in the country (Miller, 2008; Mani, 2008; Duthie, 2008; Carranza, 2008; Laplante, 2008; Pasipanodya, 2008; Muvingi, 2009).

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1. The information about circulation and audiences in Colombian media is not open to the public. The only information publicly available is the National Study of Media (Centro Nacional de Consultoría, 2016), according to which, the daily audience for El Tiempo is 958,000; El Espectador, 259,000; El Colombiano, 183,000; El Heraldo, 111,000; El País, 138,000 and El Meridiano de Córdoba and Hoy Diario del Magdalena, less than 50,000 each (there isn´t more precise information available on the audience of these regional outlets). With regards to their editorial stance, El Tiempo and El Heraldo are closer to the Government’s centre-liberal discourse. El Colombiano, Hoy Diario del Magdalena and Meridiano de Córdoba are closer to the views promoted by populist right wing ex-President Alvaro Uribe and its party Democratic Centre. El Espectador belongs to a more liberal-left tradition while El País, identifies closer with the Conservative party [REFERENCE DELETED FOR THE REVIEW]. [↑](#footnote-ref-1)
2. This covers all the branches of the executive, including: local governments and Mayor’s offices; ministries; the Vice-president’s office; the High Commissioner for Peace; the chief Advisor for National Security; special Units created by the Law, including the Unit of Land Restitution and the Unit of Victims, the National Institute of Development; and other organs. [↑](#footnote-ref-2)
3. A chi square was not performed in relation to these variables, as the frequencies for some categories were equal to 0. [↑](#footnote-ref-3)
4. Victims are the main subjects (20.8%) mentioned in a neutral (94.7%) and negative way (3.5%). [↑](#footnote-ref-4)