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After Genocide: Examining the Aftermath and Implications of the Rwandan Genocide

Since the Rwandan genocide occurred there have been numerous books examining exactly what happened during the one hundred days of terror and theorizing which elements from society (Rwandan, regional, and international) most strongly contributed to the development of the genocidal mind-set. These analyses tend to overlook the aftermath of genocide and very few offer a comprehensive review of more than one aspect of it. Yet this is exactly what Phil Clark and Zachary D. Kaufman have done in their brilliant and invaluable anthology, *After Genocide*.

With an ambitious title, the book brings together essays that do an excellent job covering a broad range of transitional justice and reconciliation issues written by a range of Rwandan, African and Western scholars, lawyers, practitioners, politicians, and survivors. The twenty-three contributors to this volume highlight various points of contention that correspond to the divide within Rwandan society. Their excellent research and passion for the subject is clearly reflected, and the debates in which they engage each other highlight the disagreements in the field while providing enough information to allow readers to form their own opinions.

The format of this book reflects its origins from a series of three conferences at the University of Oxford held in May 2004 and May 2005. It was this venue that allowed the contributors of the book to converse and debate their topics, and one can see this directly reflected in the text. The authors freely reference the other points of view, and interpret the same material in different ways, depending on their political positions, personal experiences and interviews, or research findings. This gives the reader a feeling of participating in an academic debate with well-thought-out arguments and interpretations that stretch through the anthology's four divisions: part 1, "Introduction and Background"; part 2, "Politics of Memory, Identity and Healing"; part 3, "Post-Genocide Transitional Justice, Reconstruction, and Reconciliation"; and part 4, "Legal and Institutional Lessons after Rwanda."

Rwandan President Paul Kagame congratulates the editors of the book for assembling "a comprehensive work on the challenges, and possible means of, reconstructing Rwanda after the genocide" (p. xxv). He also illustrates one of the anthology's key strengths: the commitment to providing a venue in which critical debates and contrasting viewpoints can be presented. President Kagame's preface is passionate, intelligent, and well argued. He takes exception to the essay written by René Lemarchand (chapter 4), rejecting Lemarchand's argument that Rwanda's current government is manipulating the official memory of the state to exclude Hutu experiences, and condemns the international community for their actions both during and following the genocide. One finds that the tension between these two positions is mirrored throughout the book and finds its way into a wide range of themes. Many of the authors are pro-Kagame and are very supportive of the regime's actions; others, however, are extremely critical of the current regime. The authors disagree on several other key ideas, such as the role of the International Criminal Tribunal for Rwanda (ICTR) and the local *gacaca* trials; however, each contributor backs up his or her argument with evidence presented in a way that allows readers to form

their own conclusions.

In part 1, Linda Melvern establishes the background of the Rwandan genocide with a clear and concise analysis of the premeditated, systematic policy of destruction launched by the Hutu extremists toward the Rwandan Tutsi. The chapter is directly followed by Jean Baptiste Kayigamba's testimony of his survival and how, in the aftermath of this tragedy, he has tried to come to terms with his own personal losses and the devastating legacy of the Rwandan genocide. His testimony illustrates the profound physical and emotional trauma that still plague survivors today and the need for those who remain to bear witness. Kayigamba is critical of the current paradigm of justice found within Rwanda, which places an emphasis on reconciliation over legal justice. He argues that this absence of "full justice" could lead to a furthering of a culture of impunity that has dominated Rwanda since the 1959 massacres. "Unlike what is suggested in Rwanda," he writes, "I have never heard survivors of the Holocaust being asked to reconcile with the Nazis"–a remark that certainly makes one think (p. 41).

Overall the first two chapters, coupled with the preface, create a productive foundation and framework in which the remaining text can be read. They offer a clear and concise understanding of exactly what happened and establish the first of many debates to be addressed in the book–that of justice versus reconciliation and the implications of the rule of law in the aftermath of a genocide in which one's neighbors were the killers.

Part 2 continues with the controversial topic of ethnicity within Rwandan society. As previously mentioned, Lemarchand's chapter takes issue with the national laws that officially ban ethnic identities, such as Hutu, Tutsi, and Twa. Highly critical of the Kagame regime, Lemarchand argues that legislating these identities is a mistake and that excluding ethnic memories from the official state memory will be highly damaging to society: "Reconciliation, assuming it can ever be achieved, requires that the past be confronted, not obliterated," he argues (p. 66). Lemarchand also tackles the issue that the current regime is manipulating the historical record, creating an enforced memory. This memory has little room for those who were not cast in the traditional light of victim. Alternative narratives have been silenced and the historical record manipulated to reflect Tutsi victims, and ignore moderate Hutus or other nontraditional victims of the genocidal massacres.

Helen Hintjens opposes Lemarchand's argument, instead seeing the governmental abolition of official ethnicities as a welcome step in the quest to overcome ethnic and racial stereotypes that have dominated Rwandan society for decades, but she warns that the political identities that have emerged in the post-genocidal regime can be quite divisive as well. For example, the distinction between "old caseload refugees" and "new caseload refugees" can be utilized as euphemisms for Hutu and Tutsi. Likewise, "survivor," "victim," and "*gènocidiares*" can oversimplify and divide the population into categories that are more complex than the labels allow for. Hintjens's utilization of narratives from three Rwandan exiles illustrates this complex political identity extremely well and her chapter stands out as a strong analysis of the evolution of identity within Rwandan society. She argues that in post-genocide Rwanda the presumed role of the individual is politically important whereas the actual role is lost within a dictated narrative of triumphant victim and ruthless, but vanquished, perpetrator. Her analysis of ethnic identities, and their political transformation into old versus new refugees, is very valuable for understanding current divides within Rwanda. She is, however, overly critical of Kayigamba's argument. Hintjens refers to his statement "I am just sickened by the fact that one day we could be killed" with the rejoinder "the problem with this statement is its implicit reference to a racially-defined 'we' thus falling into the logic of this genocidal ideology of race hatred" (p. 86). Hintjens's statement seems to imply that Kayigamba's self-identification is a problem; and while this is an interesting possibility to ponder, it creates a logical quandary and detracts from her overall argument. On what authority does one have to question self-identification or an essential element of identity, especially with reference to the survivors of genocide?

Another important theme found throughout the anthology is the focus of Tom Ndahiro's chapter: the emergence of historical revisionism and genocide denial. Ndahiro's essay is an excellent account of how genocide denial has been applied to the Rwandan genocide, and how, despite the overwhelming evidence including video recordings, testimony, and documentation that has been collected, there are individuals–including some Western scholars–who deny that a genocide occurred. The arguments are subtle, yet play on the distinctions that are made between civil war and genocide, and the attempts made by some groups to argue a moral equivalency between the government sponsored genocide and the Rwandan Patriotic Front (RPF) retaliatory killings immediately following the genocide. Ndahiro illustrates what Gregory Stanton calls the eighth stage of genocide–

that of genocide denial.

Part 2 concludes with chapters exploring the process of healing and gives a fascinating glimpse of the survivors' techniques for reconciling with a society in which there were widespread massacres of one's ethnic group. Susanne Buckley-Zistel coins the term "chosen amnesia" to describe "the deliberate choice to not remember some aspects of the past" (p. 130). This coping mechanism allows the survivors to adapt to daily life in a community of which the perpetrators of the massacres are also members. The concept of chosen amnesia could be very useful in analyzing other post-conflict situations in which reconciliation between neighbors is demanded. Trauma narratives and the process of healing are further explored in chapters 8 and 9 by two World Vision staffers: Solomon Nsabiyera Gasana and John Steward. Gasana, a Congolese Tutsi who spent three of his first eight years in temporary shelters, writes: "the bitterness of my parents taught me to hate those who drove us to such destitution" (p. 150). Gasana and Steward illustrate the process of healing, reconciliation, and the important role played by nongovernmental organizations in these processes. Despite the strengths of part 2 it seems to be underdeveloped, and the anthology could have been strengthened with at least one more chapter dealing with the psychological aspects of reconstruction. In particular, the addition of a chapter that dealt with a clinical analysis of survivors' coping strategies in the aftermath of the genocide would have been of benefit.

Part 3 transitions from memory and healing to the legal concepts of trials and the *gacaca* system. Like the previous sections, each chapter is fresh and contributes to our knowledge of the impact of the Rwandan genocide. It is William Schabas's chapter on post-genocide justice in Rwanda, however, that truly stands out. This piece should be recommended reading for any course that needs a clear and concise analysis of the various criminal justice proceedings that Rwanda and the international community established in the aftermath of the genocide. It reviews the three different levels of prosecutions: the ICTR, the national courts, and the *gacaca* courts. Schabas discusses the problems each type of court has experienced: detailing the launch of the ICTR; Rwanda's dissenting vote within the United Nations Security Council; and other domestic criticisms of the international courts, including the ICTR's prohibition of capital punishment, the limitations on temporal jurisdiction to 1994, the location of the seat of the tribunal outside of Rwanda, and so forth. Domestically, he examines the material and physical problems of prosecuting the sheer number of perpetrators within the domestic court system, including the estimate that it would have taken eighty years to prosecute every individual who had been detained. The creation of the organic laws and the national and nongovernmental organizations' objections to the redevelopment of the *gacaca* trials is then addressed.

The ICTR is further explored in chapters 12 and 13 and the *gacaca* trials in chapter 15. If one is considering textbook choices for a course in understanding legal choices that a regime can make after genocide or other mass atrocity, part 3 would be an excellent choice. Besides Schabas's excellent review, Kaufman (chapter 12) discusses the United States' role in the ICTR; Hassan Bubacar Jallow (chapter 13) analyzes the impact of the ICTR on international society/international law; and Clark (chapter 15) examines exactly what the *gacaca* trials are and what they are not, and how this influences their overall effectiveness. These chapters compliment part 4 of the book, which examines the legal and institutional lessons learned from the ICTR and the impact Rwanda has had on the evolution of "responsibility to protect" and the International Criminal Court.

In toto, *After Genocide* makes an invaluable contribution to several fields, including human rights and transitional justice, among others. The editors did an excellent job with the selection of essays and contributors and are to be commended not only for choosing well-known scholars, lawyers, and individuals on the ground, but also for utilizing both Western and non-Western contributions, in addition to individuals with sharply contrasting viewpoints. The inclusion of those authors who are often underrepresented in academic texts and the subsequent debates that play out in the chapters make the book stand out within the field. This anthology will be a vital tool for individuals studying the genocide, assessing its legal, psychological, and sociological impact, or examining transitional justice frameworks. While this book will be the most helpful to those who already have background knowledge of the Rwandan genocide, it will be of use to those with only a passing knowledge as well. In addition, it would be an excellent supplement to any course dealing with the topic of genocide, Rwanda, or the evolution of international criminal law and international society.

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