RECONCILIATION AND TRANSITIONAL JUSTICE: 
THE CASE OF RWANDA’S GACACA COURTS

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Introduction

This paper has a two-fold objective: firstly to conceptualise reconciliation as an outcome of transitional justice, and secondly to analyse critically the implications and consequences of the Rwandan transitional justice programmes (specifically the gacaca system) in terms of this evaluative framework. Following Galtung’s definition of ‘positive peace’, I develop an understanding of reconciliation as the removal of lingering or new forms of structural and cultural violence in a post-conflict society. Borrowing from Mamdani, a key goal of countering cultural violence is identified as ‘reconciliation with history’ which entails building agreement through enabling engagement between opposing historical perspectives, as well as by acknowledging and including in the ‘official narrative’ individual ‘little narratives’ in the form of victim and perpetrator testimonies. The gacaca process is consequently evaluated in terms of the objectives developed above. The courts, however, remain in operation at the time of writing, making a conclusive judgement of their performance premature.

Reconciliation as Overcoming Violence

It is often assumed that bringing victims and perpetrators of human rights violations together within structured processes of truth-telling, including apologies and reparations to victims, have the potential to obviate or quell the motivation for revenge after conflict. Made popular by the South African Truth and Reconciliation Commission, a range of transitional justice processes have been tasked to further reconciliation. In Rwanda too, various transitional justice measures and institutions are required to promote reconciliation. This basic normative conception of transitional justice, despite its wide appeal, has not been adequately verified. How then can a claim such as the one made by South Africans and Rwandans, that transitional justice processes lead to reconciliation, be subjected to scrutiny?

Organised around the theme of transitional justice as a means to promote reconciliation, this discussion has a two-fold objective: firstly to conceptualise reconciliation as an outcome of transitional justice, and secondly to analyse critically the implications and consequences of the Rwandan transitional justice programmes (specifically the gacaca system) in terms of this evaluative framework.

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1 The author gratefully acknowledges the contributions of these institutions and individuals to the argument developed here.
It is often remarked that ‘reconciliation’ is a key term in transitional justice, but with different and contested meanings. In post-conflict settings, ‘reconciliation’ may refer to various stages of conflict resolution ranging from ‘negative peace’ to ‘positive peace’, a key distinction first introduced by Johan Galtung. Similarly, in a political sense ‘reconciliation’ may stretch from the quest to find a minimal *modus vivendi* for former enemies sharing the same territory to more active programmes of communal reintegration and nation-building. For our purposes though, Galtung’s notion of ‘positive peace’ may assist in framing reconciliation as a central concern of transitional justice but also illuminating distinction, that between ‘structural violence’ and ‘cultural violence’. Accordingly ‘positive peace’ requires the removal of both ‘structural’ and ‘cultural’ violence as the main underlying causes of internal war.

‘Structural violence’ concerns the way power is organised in society in ways so as to inflict ‘avoidable’ avoidable to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible. ‘Cultural violence’, by contrast, refers to any aspect of culture that can be used to justify violence, either directly or structurally.

‘Cultural violence makes direct and structural violence look, even feel, right – or at least not wrong’, writes Galtung. ‘Cultural violence involves those aspects of culture, the symbolic sphere of our existence, ...that can be used to justify or legitimise direct or structural violence.

Galtung differentiates between the different types of violence thus: ‘Direct violence is an event; structural violence is a process with ups and downs; cultural violence is an invariant, a “permanence”, remaining essentially the same for long periods, given the slow transformations of basic culture....’ Direct violence is described as ‘direct cruelty perpetrated by human beings against each other and against other forms of life and nature in general. Cultural violence is a “substratum from which the other two can derive their nutrients”.’

Contrast, patterns of structural violence vary over time. Generally there is a causal relation from cultural via structural to direct violence. The Rwandan genocide itself would first and foremost count as ‘direct violence’, but I will argue for the importance of including the removal of both ‘structural violence’ and ‘cultural violence’ as reconciliation-related goals. ‘Structural violence’ would refer to the ways in which power was organised in the Rwandan context so as to issue in both localised incidents of direct violence as well as eventually in the genocide itself. ‘Cultural violence’, again, would refer to those aspects of culture or symbolic resources available to motivate and justify direct violence, including the genocide. Taken together, these forms of violence provide the basis for an analytical framework outlining the challenges faced by reconciliation as an outcome of transitional justice.

Reconciliation thus may be conceptualised, at the most abstract level, as creating conditions for the removal of violence in various forms, including ‘structural’ and ‘cultural violence’, from post-conflict societies. The focus in this article will be on one aspect of the admittedly vast transitional justice agenda: the quest to challenge cultural violence rather than structural or direct violence. The discussion will further be limited to one specific mechanism within the Rwandan transitional justice programme, namely *gacaca*. The question is what to extent Rwanda’s *gacaca* courts have impacted, or failed to impact, on the quest to overcome cultural violence as a root cause of the genocide – thus acting as an agent of reconciliation, or not.

Before we can evaluate *gacaca* in these terms, two tasks await. On the one hand the evaluative framework outlined above needs to be developed in more detail. On the other hand, concurrently, relevant dimensions of the post-genocide context in Rwanda will be discussed. We will proceed in three steps: firstly by locating the Rwandan case, very briefly, within the broader transitional justice landscape; secondly by determining more precisely what the concept of ‘cultural violence’ may mean within the Rwandan context (specifically in terms of the role that history and memory played in fomenting the genocide as well as in providing a rationale for post-genocide reconciliation); and thirdly, by developing the idea of ‘reconciliation with history’ as a potential antidote to cultural violence in Rwanda, and a key potential benchmark against which transitional justice processes such as *gacaca* could be evaluated. Finally we turn to *gacaca* in order to draw a set of preliminary conclusions about its likely impact on the quest for ‘reconciliation with history’ as a means for overcoming cultural violence in Rwanda.

**Rwanda as Transitional Justice Case Study**

After winning military control of the capital in 1994 and stabilising the country, the Rwandan Patriotic Front (RPF), embarked on a systematic project of rebuilding the country from the ruins of genocide and war. One of their first steps upon taking power was to arrest more than 120,000 perpetrators accused of varying degrees of guilt and complicity in the mass killings. Subsequent rebuilding efforts, now in their sixteenth year, have produced notable successes: reorganising the state, achieving economic growth and enhancing development opportunities, not least for rural women.

The regime has also provoked criticism for its lack of democratisation. The International
Crisis Group has, for example, called the new government a ‘facade of pluralism’,11 because as Des Forges comments, ‘many observers believe that real power remained in the hands of a limited group closely associated with RPF leader Paul Kagame ... and his inner circle of former Tutsi refugees from Uganda.’12 These concerns have also been echoed by the 2005 report of the African Peer Review Panel of Eminent Persons (APR Panel) on Rwanda, which was gentler on the government than previous documents had been.13 The APR Panel nonetheless called for the political scene to be more open to competing ideas. At the same time, donors commended the government for its relatively good record on poverty reduction and economic governance reforms.14 The result has been a highly polarised, if somewhat unequally engaged, international debate about Rwanda, with one side decrying its democratic failures, whilst the other side emphasises developmental gains.

Within this context, Rwanda’s post-genocide period has been characterised by a unique approach to transitional justice programmes of unprecedented scope and variety, allied to the lack of democratic reform and political power-sharing mentioned above. Given the democratic deficit, these programmes have attracted intense scrutiny. Why would the Rwandan government pour such vast resources into transitional justice? What would the undemocratic regime and fresh incidences of structural and cultural violence?

These important questions underscore the value of careful analytical and evaluative study of transitional justice. Not only could these processes be manipulated for political ends, but a process as vast as gacaca could also develop in unexpected ways – unforeseen even to Rwanda’s political leadership. Gacaca could thus, at least in principle, influence the quest for reconciliation-through-transitional justice in positive as well as negative ways – precisely when the political context is acknowledged as status quo ante. The importance of a dispassionate evaluation of transitional justice processes based on coherent conceptual frameworks and sound empirical data is further heightened in cases such as Rwanda where international views are as polarised as they have become and tend to pre-determine analyses. Our discussion requires a further distinction, identifying different senses of transitional justice – firstly as a practice, secondly as normative discourses and debates in the literature on this practice, and thirdly as empirical investigations of this practice – will help further to clarify the relation between transitional justice as a Rwandan project and the object of this investigation and the different kinds of (mostly external and mostly normative) literature on Rwandan transitional justice.15

The nature and objectives of the Rwandan practice of transitional justice may differ significantly from more familiar notions of transitional justice in the normative literature.16 My concern here is primarily with the Rwandan approach, mechanisms and processes directly, rather than with engaging existing international debates on this topic (although the findings will hopefully draw on, and have implications in this regard). The study furthermore is not based on any previously unpublished empirical evidence, but seeks to cast a new light on available evidence through an evaluative framework responsive to specific Rwandan concerns and developed with a key outcome of transitional justice in mind, namely reconciliation.


18 For a recent, provocative analysis of transitional justice as ‘non-field’, see Christine Bell, ‘Transitional Justice, Interdisciplinarity and the State of the “Field” or “Non-Field,”’ The International Journal of Transitional Justice 3:1 (2009): 1–28. See also Paige Arthur, ‘How “Transitions” Ripped Human Rights: A Conceptual History of Transitional Justice,’ Human Rights Quarterly 31:2 (May 2009): 321–367. Transitional justice is used in at least three ways: (i) with reference to the different practices and processes in which transitional or post-conflict societies ‘deal with the past of political atrocities’; (ii) with reference to the normative and other debates and discourses about the assumptions, mechanisms and objectives of such practices and processes for dealing with past political atrocities; and (iii) in terms of the new field or sub-fields of empirical and comparative research about the various cases, processes and practices dealing with past political atrocities. The distinctive practices and associated discourses of “dealing with the past (of political atrocities)” include the particular transitional justice approach taken by the RPF regime in Rwanda in dealing with the aftermath of the genocide in 1994. In Rwanda, these consist of ambitious, if largely unsuccessful, attempts to prosecute alleged genocide perpetrators during the first five years after the RPF came to power, an evolving legal framework to enable a more nuanced and realistic prosecutions programme in later years, coupled with an extensive, national community court system called Gacaca, operating in tandem with the national courts. Transatlantic justice approaches in the first sense are thus the object of investigation of the field of transitional justice in this third sense, which may also critically challenge key assumptions and conclusions of normative approaches to transitional justice in the second sense. While normatively it is claimed that making perpetrators accountable for their past atrocities will serve to prevent the recurrence of political violence and atrocities in future (as against counter normative claims for the superior value of forgiveness and reconciliation), empirical investigation sets out to determine the possible unintended consequences of both scenarios. Empirical investigations of various kinds have led to an interdisciplinary literature including comparative and theoretical analyses of case studies and global trends. See Hugo van der Merwe, Victoria Baxter & Audrey Chapman, eds, Assessing the Impact of Transitional Justice: Challenges for Empirical Research (Washington, D.C.: United States Institute for Peace Press, 2009). See also Stover and Weinstein, My Neighbor, My Enemy; Bell, The CTR Ten Years On; 9; also Carlos Santiago Nieto, Radical Evil on Trial (New York: Yale University Press, 1996) and Elster, Closing the Books; Wilson, The Politics of Truth and Reconciliation; and Mamdani, Mahmood, When Victims Become Killers: Colonization, Nostalgia, and the Genocide in Rwanda (Cape Town: David Philip, 2001).


Cultural Violence through History: Rwanda and its Past

It can hardly be disputed that the Rwandan genocide was conducted in the name of ethnicity. However, the precise manner in which ethnic identities contributed to genocide has been a matter of intense debate. There are some who postulate ‘Hutu’ and ‘Tutsi’ as predominantly cultural identities, others who postulate them as primarily economic identities (where material conditions are seen as paramount) and yet others who prioritise political identities (where the way political power is organised is seen as the key variable explaining ethnic conflict).

From the literature, it is clear that in the Rwandan context certain political, cultural and social narratives and discourses, including notably the founding myth of the ‘Tutsi as an alien race’, espoused first by the colonials and then by the protagonists of ‘Hutu Power’, had a major part in preparing the way for mass participation in the genocide. Pre-genocide, the mobilisation of cultural resources in motivating violence by the génocidaires is well-recorded, not least in the court records of the International Criminal Tribunal for Rwanda (ICTR). In the trials of individuals, such as Professor Ferdinand Nahimana and others, the ICTR succeeded in documenting the role that history played as one such cultural resource to support the propaganda of the génocidaires.24 In different ways, history, myths and narratives had been utilised to foster one ethnic group above another.


24 These views are echoed in the mandates of the various transitional justice mechanisms, as well as that of the National Unity and Reconciliation Commission (NURC). The NURC was established in 1999 to serve as a forum for Rwandan people to exchange views on, and find solutions to, mutual challenges through a variety of ‘national programs for the promotion of peace and reconciliation’.

Put together, these cultural beliefs and ideologies rooted in a specific approach to history amount to a form of ‘cultural violence’ in Galtung’s sense; i.e. before and during the mass killings they provided the resources of a ‘symbolic sphere’ available to justify genocidal violence. The role of history is thus central to this investigation. Cultural violence was involved in the invocation of history to motivate and justify the genocide. In post-genocide Rwanda, history is now called upon to support reconciliation. This amounts to a radical reversal, from history as a cultural resource for genocide, to the construction of an ‘official history’ as a motivation for reconciliation. It also suggests the need for critical analysis of the implications of history in the new official Rwandan narrative – not only in the ‘official narrative’, but also in those transitional justice processes shaped by this narrative.

Since taking power in July 1994, the RPF government has made a concerted effort to promote the national unity of all Rwandan citizens through the creation of an ‘official narrative of memory’.

This official post-genocide narrative of reconciliation has been at the core of the Rwandan programme of transitional justice and its efforts to promote reconciliation, so counteracting the cultural violence contained in the narratives of the génocidaires.

The preamble to the Rwandan Constitution, adopted in 2003, states that ‘...we enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of our destiny,’ and it is necessary to draw from our centuries-old history the positive values which characterised our ancestors that must be the basis for the existence and flourishing of our Nation. Accordingly the Constitution prohibits political mobilisation on the basis of racial or ethnic identity. A common national identity, one precluding the recognition of distinct racial or ethnic identities, is thus postulated as the basis for the narrative of reconciliation. The Constitution further determines that ‘political organisations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination.’

The Constitution also states that ‘freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law.’ Nevertheless, it determines in the same article that ‘the propagation of ethnic, regional, racial or discrimination or any other form of division is punishable by law.’ It limits political parties to those not associated with the 1994 genocide or with any kind of ethnic constituency. Consequently, the MRND (D), which historically represented Hutu peasants (but also presided over the genocide) was outlawed, as well as the extremist Coalition pour la défense de la République (COPRA). Furthermore, the Constitution demands that political organisations ‘must constantly reflect the unity of the people of Rwanda and gender equality and complementarity, whether in the recruitment of members, putting in place organs of leadership and in their operations and activities.’

These views are echoed in the mandates of the various transitional justice mechanisms, as well as that of the National Unity and Reconciliation Commission (NURC). The NURC was established in 1999 to serve as a forum for Rwandan people to exchange views on, and find solutions to, mutual challenges through a variety of ‘national programs for the promotion of peace and reconciliation’.
of national unity and reconciliation.31 In the words of the president: ‘The Commission is propagating and promoting a new philosophy and outlook that is Rwandan, rather than that of the Tutsi or Hutu. In that respect, the Government has abolished the use of labels in our National Identity Card.32

A similar emphasis on bringing about post-genocide reconciliation informs the Rwandan approach to transitional justice. Thus, the Gacaca Service Commission received a mandate to promote ‘national unity and reconciliation’.33 Gacaca’s founding act states that the aim of the Commission is ‘to achieve reconciliation and justice in Rwanda, to eradicate for good the culture of impunity and to adopt provisions enabling to ensure [sic] prosecutions and trials of perpetrators and accomplices without only aiming for simple punishment, but also for the reconstitution of the Rwandese society made decaying [sic] by bad leaders who prompted the population to exterminate one part of that society’.34

The ‘official narrative’, reflected in the various official documents and transitional justice processes of post-genocide Rwanda, has a number of tenets:35 firstly, it encourages Rwanda to reconcile by recalling a pre-colonial past of harmonious and fluid ethnic relations, thereby downplaying ethnicity as a salient force in society. It calls to unity all Rwandans on the basis of a historical narrative that emphasises Rwandan society’s pre-colonial, ‘natural’ unity. The ‘official narrative’ claims that pre-colonial Rwanda had been essentially unified and that distinctions between Twa, Hutu and Tutsi demarcated occupational differences only. They all shared a religion and language, often intermarried and were loyal to the same royal house. ‘Fluid occupational’ identities were facilitated through the institution of ‘cattle ownership’ as abuhake.36 Pre-colonial Rwandan history was not exempt from localised tit-for-tat skirmishes, but ethnic mobilisation on the basis of these identities did not take place. The official narrative therefore implies that post-genocide reconciliation of Rwandan society can happen on the basis of the recovery of Rwanda’s pre-colonial unity.37

In line with the Rwandan Constitution’s prohibition of political activity based on ethnic affiliation, the Rwandan transitional justice mechanisms have been designed so as to avoid a discussion of the continuing role of ethnic categories. The assumption in the Gacaca approach to transitional justice appears to be that the legacy of ethnic categorisation can be overcome by an appeal to national belonging. Yet, in so doing, the transitional justice mechanisms create the possibility for the unwitting continuation of the different forms of cultural and structural violence caused by ethnic categorisation in Rwanda.

31 These include, for example, ‘solidarity camps’ called ‘Ingando seminars’ for released prisoners and returning refugees about to be reinteegrated into society. Ingando, taken from the Kinyarwanda verb, kuganda, refers to a breaking-off from normal activities in order to reflect on issues of importance. Available at: www.muc.gov.ru [11 April 2008].


33 Significantly, the Security Council resolution that gave birth to the ICTR used language reminiscent of this official Rwandan emphasis on post-genocide ‘reconciliation’. While it mandated the ICTR with the task of bringing to justice the perpetrators of genocide in Rwanda because they were a threat to ‘international peace and security’, it also charged the ICTR with the objective to help foster reconciliation in Rwanda. The preamble to the resolution reads: ‘convinced that in particular the circumstances of Rwanda, the prosecution of persons responsible for genocide and other abhorrent, mentioned violations of international law would enable this aim (bringing effective justice) to be achieved and would contribute to the process of reconciliation and to the restoration and maintenance of peace . . . the explicit reference to “reconciliation” and to the restoration and maintenance of peace’ in the Security Council resolution clearly takes a similar line to the nation building narrative of the Rwandan government. The fact that ‘reconciliation’ (however it was conceptualised) is acknowledged as the objective of the ICTR, enables Rwandan authorities to articulate and interpret its work in terms familiar to its own ‘official narrative’ of unity and reconciliation.


36 Potte, Re-imagining Rwanda, p. 110.

37 Office of the President, p. 63.

Secondly, the official narrative claims that the Hutu/Tutsi hostilities are the exclusive result of colonialism. This claim is substantiated with reference to the well-documented and disastrous impact of Belgian rule on ethnic relations in Rwanda through, inter alia, the introduction of ethnic identity documents and the favouring of first the Tutsis and later the Hutus in matters of government. Yet, there seems a strong historical case for stating that ethnic rivalry is not simply a colonial import, as the ‘official narrative’ claims. Pottier remarks that despite uncertainty about the exact use of ethnic labels in nineteenth-century social and political discourse, there is today certainty that the European colonisers were not the first to rule Rwanda along divisive ethnic lines . . . The [colonial] interventions were racist, but the seeds for a racialised ethnic division had well germinated by then.38

Thirdly, the ‘official narrative’ tends to represent post-colonial Hutu Power in an exclusively negative way, as no more than an extention of colonial power. However, Hutu Power had in fact been a more nuanced and complex phenomenon. The 1959 revolution had the democratic objective of empowering a disenfranchised majority of peasants. These aims were articulated in a document central to the 1959 revolution, originally entitled Notes on the Social Aspect of the Racial Native Problem in Rwanda. Popularly known as the Bahtu Manifesto, and signed by a group of nine Hutu intellectuals, it put forward and defended efforts to bring about a post-colonial revolution and to establish a (Hutu-dominated) majority government. The Bahtu Manifesto revolved around the core assertion that the Bahtu historically suffered a double oppression by colonisers as well as by the Tutsi. The democratising significance of Hutu Power as a force for liberation has been lost in the ‘official narrative’ of post-genocide Rwanda.39 The consequences are doubly significant. Not only does the ‘official narrative’ not acknowledge the legitimate historical ideals of Hutu Power, but over time it risks permanently demonising Hutu identity – not least in how criminal guilt is linked to Hutu identity. Consequently a more nuanced understanding of Hutu Power is required if transitional justice is to promote reconciliation in the sense of eradicating cultural violence perpetrated in, and through, ‘history making’. At the very least, it needs to take into account the evidence of the historical role of Hutu Power in the ensuing thrust of post-colonial self-rule (as well as that of some Hutu resistance to genocide).

Fourthly, the ‘official narrative’ is characterised by a curious paradox in its treatment of the genocide itself, both privileging it as the central event of Rwandan history but at the same time removing it from historical scrutiny. On the one hand, the 1994 genocide is singled out as an event producing the only politically correct categories for identification and guidelines of action by the state.30 In order to ensure that genocide never happens again, the ‘official narrative’ now requires reconciliation on the basis of renouncing ethnic categories seen as a colonial imposition and an instrument for genocide, and the embracing of pre-colonial unity. At the same time therefore that the official narrative postulates the 1994 genocide as the defining event in Rwandan history, it seems to block thorough-going public and historical analysis about what had caused the genocide, beyond its own tenets and assertions. Mamdani calls this feature of the ‘official narrative’ its failure to put the truth of genocide in a historical context.41

Thus the representation of the more immediate dynamics of the genocide in the ‘official narrative’ needs to be interrogated historically. This does not mean that one needs to ‘dissolve’ the genocide into the war as if it does not merit significant attention as a historic event in itself, as some revisionist Hutu ideologues tend to do. Yet, the implication for the agenda of reconciliation through transitional justice is that while the ‘official narrative’ posits the ‘genocide’ as ‘prime evil’, it has also ensured that the underlying causes of the genocide, including sources of cultural and structural violence, have been inadequately investigated and addressed with important consequences for post-genocide reconciliation. The new
official narrative of Rwanda’s past is told in the name of reconciliation. My contention is that this ambition ought to be judged, not against its ability to silence claims about ethnic silence, but against its ability to help create the removal of the prevalent forms of structural and cultural violence, whether residual or fresh.

‘Forgetting-but-not-Denying’ Genocide

What are the more specific requirements for a post-genocide history which would help to create the conditions for the removal of cultural violence? Cycles of violence can be perpetuated by conflicting narratives and memories of past atrocities that continue to hold sway after direct violence ceases, continuing to exert what Galtung calls ‘cultural violence’. Reconciliation therefore requires addressing the lingering impact of conflicting accounts of the past as it influences (and violates) the present.

Pragmatic notions of the need for ‘a usable past’ in the context of nation-building should be differentiated from the more specific concerns of transitional justice approaches as ways of dealing with past political atrocities.42 Similarly, Nietzsche’s distinction between ‘antiqurian’, ‘monumental’ and ‘critical’ history delineates different ‘uses of the past’ in general but does not specifically focus on dealing with past atrocities.43 However, they can readily be adapted to transitional justice concerns.44

The past, if it is to be overcome, must be remembered in appropriate ways (even more so in the case of a past of political atrocities) – that is, in our terms, ways where history and memory do not continue to serve as agents of cultural violence. Whereas ‘antiqurian’ history reveres and preserves the past for its own sake, the ‘monumental’ approach to the past has typically been concerned with celebrating the greatness and glory of the past while ‘critical’ history is concerned with ‘accountability for the past’.45 Of these, a ‘critical’ history would be most suited to general conceptions of transitional justice, not least to the extent it is shaped by human rights discourses. However, Nietzsche claimed that there is also a place for a ‘monumental past’ if the past is to be overcome.46 This would apply, for example, to the recognised need of reconciliation in a post-conflict society through appropriate symbolism and memorialisation efforts – by convincing opposing groups to accept a common, new symbolic order rooted in a celebrated past.47 Nietzsche described this as ‘an attempt to give oneself, as it were a posteriori, a past in which one would like to originate, in opposition to which one did originate in – always a dangerous attempt because it is so hard to know the limits to denial of the past’.48

Nietzsche, however, importantly and provocatively also warned against ‘an excess of history’ in the sense of being dominated by a past that cannot be forgotten, a condition that can become life-threatening, and which he elsewhere calls ‘a malady of history’.49 The question is therefore how to develop a monumental history, ensuring that history is not ‘denied’, while at the same time avoiding ‘an excess of history’, in the sense of being dominated by that past.

This is in line with what Paul Ricoeur refers to as the twin dangers of either having ‘too much memory’ or of having a ‘lack of memory’. The former occurs when post-conflict societies are ‘haunted’ by the recollection of the conditions for the past, without being able to help create the removal of the prevalent forms of structural and cultural violence, although residual or fresh.


52 Ricoeur ‘Can Forgiveness Heal?’ 33. The standard work on ‘denial’ in the transitional justice literature is that of Stanley Cohen, States of Denial – Knowing about Atrocities and Suffering (Oxford: Polity Press, 2001). Cohen provides a psychological oriented analysis of what is going on, rather than one oriented to the politics of history and memory. Like Nietzsche, Ricoeur is concerned with ‘a usable past’.

53 ‘Forgetting-but-not-denying’ in this sense is akin to what is often called ‘closure’ in psychological terms, the ability to place traumatising events in a proper context and so ‘forgetting’ the singular horror of the immediate experience of gross human rights violations in favour of a more historical and comprehensive view of what happened. See, for example, Dennis R.aja, and Einnia A. Wither-Watham. ‘Psychological Closure as a Memory Phenomenon’, Memory 13, 6 (2005): 574–593.

54 Ricoeur ‘Can Forgiveness Heal?’ p. 33.
that takes into account divergent views, lies at the root of desirable forms of post-conflict memorialisation - of remembering collectively, inclusively and with a view to future stability. In this way, forgetting eventually enables deeper and fuller remembering. As Ricoeur remarks: ‘This modifying of the past, consisting in telling it differently and from the point of view of the other, becomes crucially important when it concerns the foundations of the common history and memory’.56

Reconciliatory forgetting of this kind cannot be achieved in abstraction but requires specific and concrete preconditions. For ‘victims’ and ‘perpetrators’ to be willing to forget past atrocities and to be reconciled as citizens, a number of basic conditions need to be met, such as a representative political dispensation and a reasonable chance to attain better living conditions. In the absence of at least some political justice and economic development, patterns of exclusion which marked the previous dispensation are bound to be perpetuated and the readiness to ‘forget’ severely compromised.

‘Forgetting-but-not-denying’ may thus be described as the positive or desired outcome when survivors of violent intra-state conflict declare themselves willing to relinquish the identities of ‘victim’ and ‘perpetrator’ in favour of a common citizenship in order to share political rights and pursue post-genocide reconstruction across social fault lines and within a single political and economic community. ‘The willingness to ‘forget’ past suffering most decidedly therefore does not equate denial. In fact, it allows, after deliberate remembering, victims and perpetrators to embrace their identities as ‘citizens’, thereby escaping a future dominated by ‘too much memory’.

However, where voices representing opposing perspectives are systematically excluded in a hegemonic, all-consuming and coercive portrayal of the past, and where this exclusion is experienced as an ongoing form of cultural violence, it becomes difficult or impossible for those who are excluded to ‘move on’, that is, to forget. This situation represents ‘denying-through-excessive-remembering’ - the opposite of ‘forgetting-but-not-denying’.

### Remembering Genocide Non-Violently

Once the actual killings were brought to an end, an urgent question facing the Rwandan post-genocide transitional justice project was how to deal with underlying forms of cultural violence. Ideally, the Rwandan approach to transitional justice needed to be able to draw on elements of alternative ‘symbolic spheres’ to counter the ‘cultural violence’ that had contributed to the genocide. If different accounts of the past, often specific to Hutu or Tutsi Power, had the potential to generate, sustain or justify cycles of structural and direct violence, any attempt to bring about social and political reconciliation must of necessity also address these conflicting histories to the extent that they continued to hold sway over the post-genocide society.

The pre-eminence of historical narratives in the shaping of Rwandan conflict over many decades, as well as their potential uses post-genocide, necessitates what Mahmood Mamdani calls ‘reconciliation with history’. Mamdani provocatively describes Rwanda’s key dilemma as the quest to build a democracy that can incorporate a guilty majority alongside an aggrieved and fearful minority.57 And yet Mamdani claims that, despite the public nature of the genocide, the identities of neither the perpetrators nor the survivors are as transparent as they, at face value, might seem. ‘This is because the identification of both perpetrators and survivors is contingent on the historical narratives that frame the events of the genocide. This is why it is not possible to think of reconciliation between Hutu and Tutsi in Rwanda without a prior ‘reconciliation with history’: History in Rwanda comes in two versions: Hutu and Tutsi.58 From this statement, Mamdani concludes that ‘to break the stranglehold of Hutu Power and Tutsi Power on Rwanda’s politics, one also needs to break their stranglehold on Rwanda’s history writing, and thus history making’.59

However, whereas for Mamdani this mainly requires ‘putting the genocide in the correct historical perspective’, I use the concept of ‘reconciliation with history’ in an expanded sense. ‘Reconciliation with history’ is conceptualised, not primarily as the correction of historical fallacies, important as that may be, but as the conscious effort to construct a new historical narrative and framework for able to accommodate the needs and interests of both sides so as to provide a basis for facilitating further discussions while remaining open to critical engagement.

It follows that an account and assessment of the Rwandan approach to transitional justice will need to ascertain how the genocide, as historical event, is conceptualised and presented to Rwandans in and through the transitional justice process, and what the wider implications are for the way history is presented to Rwandans today.

The notion of ‘reconciliation with history’ involves creating deeper insight into the opposing Hutu and Tutsi accounts of past conflicts and atrocities, and so, in the longer term, enabling a shared understanding of the past. In Galtung’s terms, it may be viewed as an important dimension of the agenda for removing possible sources of ‘cultural violence’ and thereby furthering reconciliation-through-transitional-justice in Rwanda. More specifically, the question is whether the Rwandan approach to transitional justice, as it has been conceptualised and implemented in Rwanda, is suited to assist in this quest for ‘reconciliation with history’.

If, drawing on the conceptual discussion earlier, ‘reconciliation with history’ therefore not only requires ‘setting the record straight’, but also a carefully-balanced approach of ‘forgetting-but-not-denying’ rather than ‘denying-through-excessive-remembering’, what are the practical steps or components of such a process? A minimalist understanding of ‘reconciliation with history’ would entail no more than a non-violent engagement (in the form of entering into debate or dialogue without necessarily reaching agreement) between rival groups about the interpretation of key events in the country’s history and their significance for the new dispensation. A ‘thicker’ conception of reconciliation, by contrast, would require more than ‘an agreement to disagree’. It would seek a ‘settling of accounts’ between victims, perpetrators of past atrocities, as well as bystanders and other citizens.

A first, modest step towards Mamdani’s ‘reconciliation with history’ would presumably be a process of non-violent engagement between the perspectives and historical claims of opposing groups in an effort to generate deeper mutual insight into opposing views. To begin with, this could take the form of engaging in open-ended historical debate on key issues regarding past political atrocities.

It is important to acknowledge that debating history in the context of a post-conflict society could well prove counter-productive. Therefore the reopening of historical controversies between erstwhile enemies carries considerable risks. Such historical debates could spark fresh cycles of violence unless they are inclusively framed. Contrasting historical narratives produced for sectional and partisan constituencies could, in fact, consolidate and even deepen divisions in post-conflict society. This could motivate revenge attacks, but could also favour the newly powerful, and therefore contain subtle forms of cultural violence that support ongoing forms of structural violence. The perpetuation of violence is not only due to conflict between histories, but to the manner in which history is debated and produced in the wake of conflict.

There is therefore an important difference between the sectional and partisan uses of narratives of past political atrocities, such as those used to motivate revenge or consolidate the victor’s power, and former adversaries formulating ‘stories’ about these atrocities and the conflict more generally in inclusive and more self-reflexive ways. In truth and reconciliation

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55 Ricoeur, ‘Can Forgiveness Heal?’ p. 33.


57 Mamdani, When Victims become Killers, p. 266.

58 Ibid., p. 267.

59 Ibd., p. 266.
commissions, for example, contradicting perspectives, such as those of victims and perpetrators, are recorded within the same process. These views, standing side by side, profess to the inclusive nature of such a process and moreover the nature of the project of creating a shared history beyond the conflict—not by absolutising one side or the other, but by allowing adversaries to offer their differing perspectives to a shared project designed to make sense of the past.

By contrast, it seems that the official policy in Rwanda does not allow for this kind of historical debate. Immediately after the genocide, the Ministry of Education, for example, placed a moratorium on the teaching of Rwandan history in schools out of fear for the conflict that such as debate might engender. ‘Almost a decade later’, researchers comment, ‘this emergency measure remains in place.’ Maria Hodgkin claims that this process of the repression of discussion of divisive and contested moments in Rwandan history, both within and outside the school curriculum, will only serve to create new dynamics of social exclusion.

The latter leads us to a second dimension of ‘reconciliation with history’, over and above the non-violent engagement between historical perspectives that might have been at the root of the original conflict, namely, the chance for individual victims and perpetrators to contribute to the official historical record of a post-conflict society within a framework of reconciliation and truth-seeking. It concerns the measure to which a post-conflict society, in addition to facilitating an engagement between the master narratives of former adversaries, enables ordinary citizens (as victims and perpetrators) to tell their own particular stories concerning past atrocities. ‘Reconciliation with history’ not only entails engagement across major social divisions, but also a ‘bottom-up’ process that enables individual narratives to impact on the national openness. Openness across conflict lines needs to be augmented with openness towards the ‘grass roots’.

Whereas the former manner of exclusion relates to the relationship between political opponents with radically different views of history, favouring the one above the other in a clearly hierarchical way, this paragraph contends that cultural violence might also occur in relation between the ‘official narrative’ and ordinary citizens, when individual accounts of past atrocities are ignored in favour of the ‘official narrative’ presented as complete and adequate in and of itself—without the recording of individual memories regarding the past.

Ordinary victim narratives are similar to what Lyotard, in a different context, called ‘the little narratives’ that ‘make sense of imaginative invention’, they not only challenge established meta-narratives, but hegemonic representation of the past as such. Lyotard writes within the context of the postmodern challenge to totalising modernist discourses, a challenge which he defines as the fundamental ‘incivility’ towards meta-narratives. On the one hand, he affirms the epistemological validity of such little narratives as ‘legitimate knowledge’, but on the other hand also makes a case for what has become known as constructing ‘history from below’ or building a picture of the past through the painstaking labour of piecing together individual narratives.

In transitional justice, a similar endeavour has received increasing recognition in the form of public truth-telling at victims’ hearings as a legitimate counter to the official record of a post-conflict society within a framework of reconciliation and truth-seeking. It concerns the measure to which a post-conflict society, in addition to facilitating an engagement between the master narratives of former adversaries, enables ordinary citizens (as victims and perpetrators) to tell their own particular stories concerning past atrocities. ‘Reconciliation with history’ not only entails engagement across major social divisions, but also a ‘bottom-up’ process that enables individual narratives to impact on the national openness. Openness across conflict lines needs to be augmented with openness towards the ‘grass roots’.

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In transitional justice, a similar endeavour has received increasing recognition in the form of public truth-telling at victims’ hearings as a legitimate counter to the official record of a post-conflict society. Victims allowed to tell their own stories of past atrocities typically do not present comprehensive perspectives; rather, they serve to challenge and unravel claims of hegemonic narratives to represent a comprehensive and authoritative account of past political atrocities. Truth processes in the context of transitional justice are particularly well suited to create opportunities for these ‘little narratives’ to proliferate, in the form of victim testimonies and perpetrator statements. These incomplete, often incoherent and even conflicting ‘histories’, the memories and perspectives of particular victims and perpetrators, form an important component of reconciliation with history during times of transition, ensuring that the new rapprochement does not result in fresh exclusions and new forms of cultural violence.

There are therefore two related dangers when seeking to construct a historical common ground (or monumental history) after conflict, namely, preventing debate between competing histories by simply replacing one hegemonic history with another—thus avoiding transformative engagement between opposing historical views—and excluding individual stories or narratives that might challenge the notion that the ‘official narrative’ contains a complete representation of the past. As we move on to assess the Rwandan cultural framework for transitional justice, as reflected in its ‘official narrative’, we need to establish whether it is constructing historical narratives as a resource of ‘cultural violence’ or, conversely, enabling truth processes in such a way that these might serve the goal of helping to eradicate or at least minimise cultural violence by finding new, less exclusionary ways for history to function in Rwanda, by stimulating engagement between Hutu and Tutsi versions of Rwandan history as well as by enabling ordinary Rwandans in voicing their memories, experiences and perspectives.

Gacaca as Challenge to Cultural Violence

The ‘official narrative’ has a central significance in Rwanda’s domestic approach to transitional justice. Next to gacaca it is the central component of that domestic approach to transitional justice—it has also been fundamental in shaping the context in which gacaca has had to operate. For their part revisionists (and those who can be accused of ‘genocide-laundering’) seek to either deny or downplay the magnitude of the genocide. The prevalence of both these historical frameworks underscores the need for ‘reconciliation with history’ to counter these invocations of history which otherwise might serve to justify renewed cycles of cultural or other forms of violent exclusion.

Promulgated in the 2000 Organic Law and further refined in the 2004 law, the National Service of Gacaca Courts (SNJG), a body to oversee the implementation of a system of community courts nationwide, was launched as a direct response to the logistical and other challenges of bringing to justice some 120,000 individuals accused of genocide and held in prolonged detention. Based on traditional practices of communal reconciliation, the gacaca hearings were officially instituted as an elaborate and sustained exercise of transitional justice in local settings with grass-roots participation. As such, gacaca represents a mainstay of the Rwandan approach to transitional justice: gacaca falls under the jurisdiction of the Rwandan government, the gacaca hearings took place in local Rwandan communities and the SNJG comprises exclusively Rwandan staff.

63 Lyotard, p. xxiv.
The Gacaca Service Commission received a mandate to promote ‘national unity and reconciliation’.66 Gacaca’s founding act states that the aim of the Commission is ‘to achieve reconciliation and justice in Rwanda, to ensure the coexistence of the Rwandese society made decaying [sic] by bad leaders who prompted the population to exterminate one part of that society’.67

Gacaca’s origins are deeply rooted in the causes of the genocide, there are a number of studies that analyse Rwanda’s quasi-judicial transitional justice efforts, notably the gacaca process, in relation to international law.68 A prominent feature of the comparative literature has been to emphasise the distinctive ways in which Rwanda’s transitional justice processes have developed. It had, firstly, to find ways to deal with extraordinary numbers of victims and perpetrators involved to provide grounds to argue for the exceptional nature of Rwanda’s challenge. Studies in this vein include a number of book-length studies,69 as well as chapters and journal articles.

The result was a (possibly uniquely) ambitious domestic transitional justice process. With more than 120 000 perpetrators in prison awaiting trial, a complementary community court system, the gacaca courts, was implemented. Initially, this led to an even greater proliferation of cases as even more people were implicated by witness testimonies. According to Rwandan authorities, at the beginning of the full-scale rollout of the actual gacaca hearings, this total grew to 118 564 cases.70

From the extant literature, it is clear that the gacaca system has sparked intense debate internationally as well as domestically. From a pronounced human rights perspective, activists and commentators have strongly criticised the gacaca process. Amnesty International and other human rights agencies, but also various international commentators, have also exercised a role in criminal justice; and to them, lapses in due process are so grave as to compromise the entire effort.71 As Clarke notes: ‘The form of justice that most commentators (such as Amnesty International and Human Rights Watch) employ when analyzing for gacaca is formal in method and deficient in outcomes’.72

From this perspective, gacaca is mainly criticised for its lack of judicial rigour, for example, in not employing legally qualified judges. Waldorf has taken this criticism further: Gacaca would not only fail to deliver justice but would actively undermine whatever post-genocide reconciliation might have happened, thereby threatening to worsen ethnic relations. As gacaca was about to commence, Waldorf asked whether the direct involvement of communities might lead to the intimidation of witnesses and reprisal attacks. He concluded that gacaca would result in the gross and large-scale ‘ethnicisation of guilt’ because it is so heavily ‘politicised’.73 The process would ‘wound criminalising a vast swath of the Hutu population’.74 Waldorf’s inescapable conclusion is that a post-conflict government could never rely on a mass atrocity such as the Rwandan genocide, and by attempting to do so it not only saddled the justice sector with an impossible task but ‘most cruelly diverted resources away from survivors’. This, according to Waldorf, amounted to ‘victor’s justice’.75

In stark contrast, other commentators expected gacaca to emerge as an exemplary model of best practice for transitional justice. Paul Harrel’s Rwanda’s Gamble – Judging Genocide on the Grass is the first book-length academic investigation of gacaca as a response to genocide crimes. Harrel’s core argument is that the ‘liberal-prosecutorial model of transitional justice’ dominates international interventions after conflict. Consisting of three elements – international tribunals, domestic prosecution and truth commissions – this model did not pay sufficient attention to issues of truth and reconciliation. To this, Harrel juxtaposes gacaca as a ‘communitarian restorative’ model that utilises justice to facilitate reconciliation. The gamble of gacaca is the hope that the Rwandan communities would accept this initiative to promote reconciliation peacefully and truthfully.76

These observations, however, were also based largely on fears or hopes of what may become of gacaca before it actually got underway. Accepting that physical violence within Rwanda has largely been stopped,77 our concern is with the conceptualisation and analysis of cultural violence as a benchmark against which to measure gacaca’s success to date in promoting reconciliation, or not. Given the above discussion, there are two main parts to this question, namely, the significance of the gacaca hearings for popular appropriation of the ‘official narrative’ of the genocide and Rwanda’s new monumental history on the one hand, and on the other hand, the openness of the post-genocide ‘official narrative’ potentially to incorporate the multiple personal narratives of ordinary Rwandans, not least those of particular victims and perpetrators.

66 Significantly, the Security Council resolution that gave birth to the ICTR used language reminiscent of this official Rwandan emphasis on post-genocide ‘reconciliation’. While it mandated the ICTR with the task of bringing to justice the perpetrators of genocide in Rwanda because they were a threat to ‘international peace and security’, it also charged the ICTR with the objective to help foster reconciliation in Rwanda. ‘The process of reconciliation and to the restoration and maintenance of peace’ – the explicit reference to ‘reconciliation and to the restoration and maintenance of peace’ in the Security Council resolution clearly takes a similar line to the nation-building narrative of the Rwandan government. The fact that (however it was conceptualised) is acknowledged as the objective of the ICTR, enables Rwandan authorities to articulate and interpret its work in terms familiar to its own ‘official narrative’ of unity and reconciliation.


68 Clarke, ‘Judging Genocide on the Grass’, review of Rwanda’s Gamble: Gacaca and a new model of Transitional Justice, by Paul Harrel, The Oceanian Review of Books, 4, 2 (Hilary 2005) [Electronic]. Available at: http://www.oceanmarine.org/oceanrian/hist/journal.htm [1 April 2008]; Institute for Security Studies (ISS), ‘The Gacaca process: eradicating the ethnic relations. From this perspective, gacaca is mainly criticised for its lack of judicial rigour, for example, in not employing legally qualified judges. Waldorf has taken this criticism further: Gacaca would not only fail to deliver justice but would actively undermine whatever post-genocide reconciliation might have happened, thereby threatening to worsen ethnic relations. As gacaca was about to commence, Waldorf asked whether the direct involvement of communities might lead to the intimidation of witnesses and reprisal attacks. He concluded that gacaca would result in the gross and large-scale ‘ethnicisation of guilt’ because it is so heavily ‘politicised’. The process would ‘wound criminalising a vast swath of the Hutu population’. Waldorf’s inescapable conclusion is that a post-conflict government could never rely on a mass atrocity such as the Rwandan genocide, and by attempting to do so it not only saddled the justice sector with an impossible task but ‘most cruelly diverted resources away from survivors’. This, according to Waldorf, amounted to ‘victor’s justice’.


71 Amnesty International, for example, commented: ‘On the contrary, consistent reports that fair trials guarantees are not being applied in the Gacaca process, which is investigating and prosecuting a massive amount of the crimes committed during the 1994 genocide, undermines the whole legal system and raises concerns about the importance that will be attached to these rights by other sectors of the justice system.’ See Al, ‘Rwanda: Suspects must not be transferred to Rwandan courts’ (22 November 2007) [Electronic]. Available at: http://www.amnesty.org/library/index/fr/47451/2007/0002 (9 April 2008).

72 Waldorf, 2006, p. 78.

73 Waldorf, 2006, p. 78.

74 Ibid, p. 81.

75 Ibid, p. 85.

76 Harrel, Rwanda’s Gamble.

77 Extensive physical violence related to the aftermath of the genocide has continued to this day in the neighbouring DRc, but this exceeds the limits of my discussion.
Earlier we identified two major modes of continuing cultural violence in Rwanda, namely the denial of opposing viewpoints in and through the ‘official narrative’ of the genocide as well as the exclusion of the multiple and diverse experiences and perspectives of local rural and peasant communities at grassroots level. Taken at face value, it might appear that there is an overt acceptance of the ‘official narrative’ by many Rwandans; even so, there are questions about the extent to which ordinary Rwandans, with their contested history of Hutu and Tutsi identities, have developed a shared understanding of, and approach to, dealing with the past that would allow not only for common ground and agreement but also for disagreement flowing from different opinions and perspectives. At the same time, questions remain about the extent to which rural peasants are being empowered by the gacaca process to contribute to reconciliation in the post-genocide society.

The first issue thus concerns the danger of renewed hegemony, and accompanying cultural violence, through the official narrative, emphasised by the fact that Rwanda’s government-sponsored programmes have sought to discourage engagement with historical inquiry and debate beyond the ‘official narrative’ on the grounds that competing histories and views would re-ignite the conflict. In this vein, it seems that ‘reconciliation with history’ is equated by Rwandan authorities as the uncritical acceptance of the official version of events.

Hutu historical revisionism – another source of cultural violence – is, of course, comprehensively rejected by the RPF ‘official narrative’ at the level of the macro-debates about Rwandan history. Hutu historical revisionism has, in these debates, been described as ‘genocide laundering’. Popular amongst various exiled Hutu groups based in South and North Kivu provinces in the DRC, such as the Forces armées rwandaises (FAR), as well as among the Rassemblement républicain pour la démocratie au Rwanda (RDR), based in France, the aim of these discourses is to minimise the Hutu-driven / Tutsi-directed genocide and place maximum blame on the RPF and its massacres, as provoking the mass killings by the government. Writes genocide survivor Tom Ndahiro: “This historical account interprets the RPF invasion of Rwanda as the cause of all ‘violence’ in Rwanda, deflecting blame for the genocide from the Habyarimana regime and Hutu historical revisionism of its own accord.” Indeed, even if there is a case for more acknowledgment by the RPF of atrocities committed by its own ranks, it is clear that RPF atrocities never amounted to anything like a ‘counter-genocide’. President Kagame is correct when he says that ‘in 1994 there was, on the one side, a government-sponsored genocide with perpetrators using the state machinery at their disposal, and on the other side, the RPF fighting to stop the genocide, but that the RPF did not simply put an end to the genocide, but put an end to the people down.’

To what extent is this support for gacaca hearings prevalent across Rwanda? Certainly in advance local communities had positive expectations of the gacaca process. During a survey conducted in four Rwandan communities (Ngoma, Mabanza, Buyoga and Muta) in February 2002, respondents overwhelmingly indicated that they expected transitional justice to bring about reconciliation and punishment for the guilty, and that the gacaca, not simply to punish the guilty, but to promote a truth and reconciliation process. Yet, there is more to the process than its implications for the macro-debates about history. A second area concerns the empowering effect it may have on ordinary citizens to participate in shaping historical debates. Some have questioned the wisdom of exposing a deeply traumatised population to intense public engagements and dialogue. Time will tell. Yet, on the basis of the most extensive field work done to date on gacaca, Clarke concludes: ‘What distinguishes gacaca from transitional justice institutions used elsewhere, is the central role played by the general population in all facets of its daily operations. The spirit of gacaca, which is enshrined in the Gacaca Law and … resonates throughout the general population, is the notion that the population must feel a sense of ownership over gacaca and must be its primary actor.’

In conclusion, the gacaca process is important, especially given that it gives voice to those usually excluded from the official narrative. Yet it is important not to underestimate the extent to which local communities are, through their involvement in the gacaca hearings, being empowered to contribute to reconciliation in the post-genocide society.
to make their views on the past, and not least the genocide, heard.

Gacaca offers therefore a unique opportunity for ordinary Rwandans to recall, narrate and record their individual and communal accounts of the genocide. Tutsis and Hutus carry, amongst themselves, a range of different experiences, memories and historical frameworks. Not all Tutsis, for example, share the same perspective on the genocide: the ‘returnee’ exile Tutsis who fought their way to liberation under the banner of the RPF have expressed divergent views on a number of issues compared to those of the local Tutsi civilians who survived the genocide as its main targets inside Rwanda, as the stand-off between various victim organisations and the government testifies. At the same time Hutus too have different stories among themselves, some as génocidaires, but others as victims of the genocide when they sided with their Tutsi neighbours, and still others who stood by paralysed, or fled into the DRC jungle pursued by the RPF. Could these many and diverse ‘little narratives’ begin to unravel and challenge those aspects of living and popular memory which the ‘official narrative’ of memory excludes and silences?

‘Critical’ history, in one of the senses I have identified in Chapter 3, seeks to provide precisely this kind of space for the many and diverse ‘little narratives’ to emerge. Giving public recognition to such ‘little narratives’ not only ensures that historical events are seen from a more personalised lens, but also serves to illustrate the radical differences within the broader ethnic/racial categories through which the genocide was structured. In this way, recording the ‘little narratives’ would not only acknowledge divergent perspectives, it also challenges the sole claim of the ‘official narrative’ on historical truth, thereby rendering historical engagement more open-ended, less threatening and thus more likely to further ‘reconciliation with history’.

Through gacaca, Rwandans are engaging with their national history in a multitude of ways. As an evolving and diverse institution, gacaca has engaged citizens in ways that may challenge ongoing forms of cultural violence in society, such as genocide denial on the one hand, but also the silencing of experiences, memories and historical perspectives of ordinary Rwandans. Millions of personalised gacaca testimonies cannot be rejected by revisionists in the same ways that the ‘official narrative’ is dismissed. A particularly powerful antidote to revisionism is therefore provided by the confessions of former génocidaires, often obtained through gacaca’s system of plea bargaining based on remorse and much-reduced punishments (often for the perpetrator instead of incarceration). To gather, for povertarisation, so-called ‘little narratives’ of victim testimonies will go some way not only towards disabling revisionism but also in helping to develop a general resistance against the forces stoking renewed forms of ‘cultural violence’, and thereby helping to shape a ‘modicum of agreement’ about the Rwandan past.

Gacaca thus offers an unprecedented opportunity (certainly as far as Rwanda is concerned) for ordinary citizens to participate in fashioning narratives of past atrocities, thus challenging ongoing forms and practices of cultural violence – and thereby furthering reconciliation. Individuals are able to tell their stories to one another, and then return to the same community as Rwandan citizens.

Conclusion

The aim here was to begin by developing the outlines of a normative framework for transitional justice measures purporting to promote reconciliation, and that would take into account the need for both accountability and reconciliation in a post-genocide society. Galtung and Mamdani’s distinctions helped in this regard. The resultant framework conceptualised in terms of cultural and structural violence, overlaps with the international human rights standards in so far as the objective of establishing the rule of law is concerned.

At the same time it expands this consensus in terms of incorporating reconciliatory/restorative aims. It also deepens the prevailing norms and standards, to the extent that it addresses not only direct and structural violence, but also the mindset, perceptions and belief systems which feed into, and constitute, cultural violence. Cultural violence is not frequently addressed within the frameworks of international human rights analyses, and it is also typically not recognised as an area of transitional justice. In this regard this approach may assist in developing a more relevant normative framework against which to judge Rwanda’s transitional justice measures aimed at post-conflict reconciliation, not only when measured against those standards developed by Rwanda itself, but also contrasted to the framework offered by international human rights discourse in general but also in terms of these substantive components of a more holistic ‘reconciliation with history’.

The analysis found that gacaca operates largely but not exclusively within the confines of this ‘Rwandan narrative’, namely, the reconfiguration of ethnic and racial identities prevalent during the genocide within a framework of national belonging. A notable feature in this regard was identified as both the official narrative as well as gacaca’s exclusive focus on genocide to the exclusion of other political atrocities. Just as the ‘official narrative’ conceives of the genocide in terms of Tutsi victims only, gacaca in practice likewise excludes other (non-Tutsi) victims of mass killings, including possible Hutu cases. In this way, one important dimension of lingering cultural violence in Rwanda, namely the ‘ethnicisation of guilt’, may on the face of it be bolstered rather than challenged by both the official narrative and the gacaca process through partisan avoidance of addressing RPF atrocities. To the extent that the official narrative as well as gacaca serves to solidify the notion that to be Tutsi is to be a victim, and to be Hutu to be a perpetrator, to that extent does this serve to consolidate the legacy of cultural violence. Historical frameworks that ascribe the guilt of the genocide to one ethnic group (inclusively all Hutus in the current post-genocide society with the immense historical burden of standing accused of having supported, if not committed, genocide, by strengthening the official narrative in this way, gacaca will also lead to the sidelined of other historical perspectives, a feature that would further impede ‘reconciliation with history’. It may, if left challenged, constitute a case of ‘denial-through-excessive-remembering’.

Yet, on the other hand and despite this important potential shortcoming, I also found that even within the ambit of the official narrative gacaca is likely to counter cultural violence by acting as a powerful rebuttal, at a macro level, to ‘genocide denialism’, through the recording of victim and perpetrator narratives. Genocide denial constitutes a form of cultural violence. To give victims the chance to have their narratives recorded – albeit as witnesses in the trials of perpetrators – and perpetrators to record their versions of the past allows for the archive that should limit the potential of ‘genocide denialism’ and its attendant forms of cultural violence from attracting any following in Rwanda. Despite gacaca being framed by the official genocide macro-narrative, these ‘little narratives’ at the gacaca hearings may thus be able to provide independently effective testimonies of the genocide mass killings. It is the weight of the cumulative ‘little narratives’ that could serve as an effective counter to revisionist ‘genocide-denialism’ and the attendant forms of cultural violence; it may also prevent these from serving as legitimations for renewed cycles of violence in Rwanda.

In this way, the official narrative, as well as gacaca, may have beneficial consequences beyond challenging genocide denialism, consequences which may well have been unexpected by designers and onlookers alike. Although it was surely the intention for transitional justice to involve the public, the extent to which this participation would serve to bolster a more open discourse about the past, could be construed as unintended. It could indeed be argued that gacaca was probably intended to function as a forum also for entrenching the official narrative at local community level. But by allowing testimonies at

90 For a fuller account of the tensions within the ‘Tutsi’ group, see the discussion in section 4.3.1, specifically pp. 65–67.
grass roots level the proliferation of ‘little narratives’ may serve the unintended consequence of actually countering the thrust of the macro-narrative.

This broadening of public participation in interpreting the past, I found, would inevitably highlight a range of experiences, perspectives and patterns of identification within both the Hutu and Tutsi groups. This important, if unintended, consequence of gacaca could counter, in ways set out above, cultural violence contained within Rwanda’s ‘official narrative’ – in ways yet unforeseen, thereby (possibly) assisting the agenda of forgetting-through-remembering. To that extent gacaca enables genuine community-level participation and witness testimonies to emerge, it is contributing to the emergence of millions of ‘little narratives’, which have the potential to make a strong impact on any hegemonic claims which the ‘official narrative’ may harbour.

Judging by international commentary, gacaca is either lauded as a unique and ground-breaking model of international significance for transitional justice, or derided as no more than an extension of the Rwandan official narrative and its quest to control all levers of power in the post-genocide society. On the latter analysis gacaca would amount to another instrument of cultural violence, this time in the name of fostering inclusivity. On the former analysis gacaca may well be the most important milestone yet in overcoming various forms of violence and thus enhancing post-conflict reconciliation. My conclusion, a mix of both sets of analyses, is that gacaca offers both potential threats and constructive prospects for lasting reconciliation in Rwanda.

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