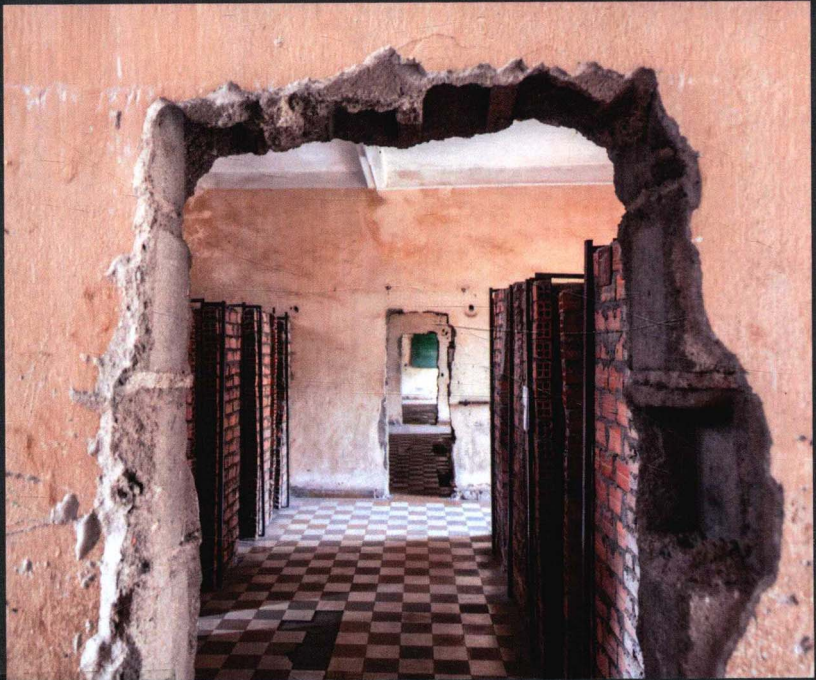


RETHINKING
POLITICAL
VIOLENCE

GENOCIDE, RISK AND RESILIENCE

An Interdisciplinary Approach



Edited by Bert Ingelaere, Stephan
Parmentier, Jacques Haers SJ and
Barbara Segaert



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Introduction:

Between Risk and Resilience – An Interdisciplinary Dialogue on Genocide

*Bert Ingelaere, Stephan Parmentier, Jacques Haers SJ and
Barbara Segaert*

The term 'genocide' was coined by the jurist Raphael Lemkin in 1944 by combining the Greek word 'genos' (race) with the Latin word 'cide' (killing) (Lemkin, 1944).¹ Genocide as defined by the United Nations in 1948 means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.

Since 1948 the world has witnessed several attempts to prevent genocide by developing special procedures, through the dissemination of international norms such as the UN's Responsibility to Protect (R2P) or by the creation of institutions at the national or international level such as the Office of the Special Adviser on the Prevention of Genocide (OSAPG). In a similar vein, genocide is increasingly addressed through legal means, for example by making this crime punishable in many domestic jurisdictions. The signature of the Rome Statute in 1998 and the subsequent establishment of the International Criminal Court (ICC) opened up new perspectives at the international level. Also, non-judicial procedures, institutions or initiatives such as truth commissions, media representations or memorials are used to shed light on the dynamics of genocidal violence, to give voice to victims and, at times, perpetrators or as a reminder to future generations. In addition, the study of genocide has developed vigorously, especially since the 1990s. Genocide studies have become an 'autonomous' field in the academic world, with its own journals and textbooks, international conferences

and associations. Also here, the focus expanded from legal concerns towards a multitude of disciplines, approaches and topics. In the meantime, comprehensive overviews, case studies and in-depth disciplinary analyses are available.²

Nevertheless the strong emphasis on legal norms, legal concepts and legal measures often hides several other important issues in relation to genocide. A profound insight into social dynamics and human behaviour as well as the interplay of various psychological, sociological, anthropological, historical and other factors are needed. A truly interdisciplinary approach is required in the future, as has recently been noted by a number of scholars reflecting on the state of genocide studies (see, for example, Rosenberg, 2012: 12; Semelin, 2012: 27). To engage in such interdisciplinary dialogue constitutes the ambition of the current collection of essays, no more and no less. In doing so, this volume brings together insights from scholars in political science, history, law, philosophy, anthropology and theology. The first part mainly focuses on theoretical debates and institutional frameworks, and the second part renders this theoretical framework more concrete by situating a number of these topics in context and by focusing on specific cases.

Placing an interdisciplinary dialogue at centre stage means that this volume does not have the ambition to tackle the phenomenon of genocide in a comprehensive way by broaching all the themes or cases. Such approaches can be found elsewhere. Nevertheless readers will find throughout this volume important topics that lie at the heart or in the periphery of the genocide canon such as the discussion on the conceptual definition of genocide or the notion of 'intent' as well as reference to instances of genocide – also across the canon – ranging from the Holocaust to Rwanda, Armenia and Bosnia and to Indonesia or the Democratic Republic of the Congo. These themes will be highlighted when introducing each contribution in the following section of this Introduction. Also, it needs to be noted that the chapters in this volume continue to reflect the significant disciplinary variation and focus that characterises the state of the field. But by bringing these contributions into dialogue with one another, a number of cross-cutting themes, underlying issues or meta-questions arise. From the outset, they can be ordered along a main axis around which a number of sub-themes rotate.

Most importantly, this main axis establishes a link between risk and resilience. We argue that the interaction and interface between risk and resilience moves beyond the current debates about how to prevent and how to cope with genocide. This perspective resembles but is conceptually different from calls for the integration of the study of

genocide with other instances of violence such as war (Shaw 2003 and 2007b) or from appeals to expand the definition of the crime to encompass 'atrocities' crimes (Scheffer, 2006).

These themes will be taken up by a number of the contributions in this volume. We take a conceptually different tack on the issue by bringing together the concepts of coping and prevention.

Risk and resilience are usually treated as temporally distinct: prevention comes before genocide, coping is an issue of aftermaths. But the specific way individuals, a society or the international community cope or deal with a genocidal past can be a means of prevention. Such a process, ideally, 'prevents, once and for all, the use of the past as the seed of renewed conflict' (Huyse, 2003: 19). Similarly, prevention can be a means of coping. It seems that a temporal and conceptual integration of both dimensions is warranted. To a certain extent this means bringing in the broader perspective of what is called 'transitional justice' into the study of genocide prevention. This volume is situated at this frontier of knowledge and has the ambition – modest as it is – to initiate a dialogue across a boundary.

Transitional justice processes are considered to play an instrumental and constitutive role in periods of transition away from genocidal processes and are supposed to initiate a transformation towards non-violence and democracy.³ Stephan Parmentier (2003) uses a dynamic presentation of the four objectives of transitional justice: truth, accountability, reparation and reconciliation, in what he calls the 'TARR model'. The model reveals that these notions are considered to be interrelated and interdependent. A normative conception of transitional justice measures in times of transition stresses the overall goal of justice and, more broadly, the promotion of recognition, civic trust and the democratic rule of law (De Greiff and Duthie, 2009: 56–62). These processes are considered to be norm-affirming after a period of a breakdown of norms. When stripping the phenomenon of transition to its basics and non-normative core one arrives at a 'liminal' period with respect to a society's norms and moral values (Teitel, 2000: 220; Wilson, 2001: 19).⁴

The book integrates this dimension of coping into perspectives on prevention in two ways. Both parts of this volume are organised along this continuum that moves from risk to resilience. Part I starts with a discussion by Martin Shaw on some essential notions in and reflections on the field of genocide studies, especially in terms of the prevention of genocide. This part ends with a contribution by Parmentier on key concepts and issues in the field of transitional justice that follows up on notions such as 'imposed responsibility' and 'shared burdens' in

victim–perpetrator relationships evoked by Henry C. Theriault in the preceding chapter. Theriault calls for a truth and reparation commission model, a variant of a well-established transitional justice mechanism. Part II offers contextual and empirical approaches and moves from a detailed historical contribution on the origins and roots of genocide in Bosnia and ends with an empirically informed discussion of the nature and impact of dealing with the genocide in Rwanda through the *gacaca* courts. By doing so, we stress a continuum between prevention and coping, not a difference in kind.

Because of the focus on an interdisciplinary dialogue, many of the contributions in this volume – either directly or indirectly – blur the line between risk and resilience, prevention and coping, origins and aftermaths. For example, René Lemarchand opens this discussion by referring to the fact that the relationship between prevention and coping is no zero-sum game, a more complicated equation is in order. The chapter by Stephen McLoughlin and Deborah Mayersen introduces the mitigating factor of resilience in the study of risk. Jacques Haers SJ situates the dynamic of risk and resilience at the heart of his discussion on religious institutions and processes. The contributions by Joëlle Hecker, Katarzyna Szurmiak and Bert Ingelaere identify elements of risk in processes of resilience.

Throughout the contributions in this volume, we identify a number of other important themes that are clustered around this main axis of an integrated perspective on risk and resilience: linkages across levels of analysis, the importance of property, the role of memory, self or national interest and, finally, an exploration of mediating – almost ontological – principles of social existence. These themes will be highlighted when introducing each contribution below.

Part I: Prevention and coping: theoretical debates and institutional frameworks

Shaw's chapter sets the stage for Part I by providing a critical overview of the debate on the idea of genocide from Raphael Lemkin and the United Nations Convention to the sociological theorists of the 1990s. He traces the emergence of the field of comparative genocide studies. In doing so, Shaw highlights, as many have done previously,⁵ the 'definitional quandary' animating this field of study. He warns against 'ingrained legalism'. Legalism is not only a problem in the conceptual understanding and prevention of genocide, it is equally dominating the field of transitional justice (McEvoy, 2007). The chapter further outlines the relationships

between this conceptual debate and the political-ideological context of genocide research. Shaw argues for a broader concept of genocide. First, genocide is structurally connected with other instances of violence, especially war. An understanding of such a connection is also important for crafting mechanisms of resilience and understanding processes of coping in the aftermath. The contribution by Ingelaere in Part II will show that the competence of the Rwandan *gacaca* courts was shaped in practice with the objective to exclude war crimes, crimes against humanity and revenge killings. As a consequence, the prospects for interpersonal reconciliation and long-term stability are bleak. Second, Shaw argues that a more structural and international understanding of the production of genocide is needed. Such a perspective requires a re-evaluation of the problematic of prevention: 'The agenda of prevention assumes that a certain kind of international agency can resolve genocidal crises, ignoring the ways in which structures of international intervention often help to produce them.' Indeed, the contributions of Cathie Carmichael, Chris Jones and Dean J. Kotlowski in Part II of this volume will demonstrate the peculiar motivations and mixed results of the involvement of international agencies and 'third' actors in the response to genocide. By raising this issue, Shaw indirectly introduces the topic of levels of analysis. While he primarily shifts the focus away from a comparative study of genocide towards international genocide studies, he is aware of the need to articulate linkages with meso- and micro-levels in doing so. A number of subsequent chapters will follow up on this theme, especially the contribution by Uğur Ümit Üngör in Part II will articulate the need for a sophisticated interaction between different levels of analysis.

René Lemarchand's analysis in Chapter 2 resonates with the arguments developed by Shaw when he observes that although strategies to prevent genocide have attracted considerable international attention, there remains a huge gap between aspiration and achievement. Lemarchand starts by bringing to our attention the fact that attempts to deal constructively with the threat of genocidal violence hinge around three principal approaches: the dissemination of new international norms; the creation of more effective institutional mechanisms; and the reconceptualisation of the crime of genocide with a view to facilitating the emergence of a consensus in support of intervention. He comes to the conclusion that none of these attempts have proven effective in preventing mass crimes. Therefore, coping with the consequences of mass violence remains the order of the day as in the case – evoked by Lemarchand – of a Congolese Tutsi from Eastern Congo who witnessed

and experienced ethnic violence in the aftermath of the Rwandan Genocide. His journey towards healing reveals 'the importance of sharing the narratives of the traumas experienced by each community at the hands of the other'. In his discussion of coping strategies Lemarchand opens a lead towards two other themes that rotate along the main axis of risk and resilience: memory and the exploration of underlying or mediating principles of social existence. The latter will be central to the contributions of Haers, Anya Topolski and Theriault who respectively call attention to 'shared ways of life', 'a shared ethical ground' and 'shared burdens' in the conciliation of perpetrators and victims of genocide. The former, memory, and especially the tension between 'the work of memory' as a liberating or conciliatory process and the 'politics of memory' that often implies a temporary rewriting of history are important themes in the contributions by Carmichael, Szurmiak and Ingelaere in Part II. In conclusion, Lemarchand argues that, based on the evidence, the relationship between prevention and coping strategies is not a zero-sum game: a more complicated equation is needed. With this observation, Lemarchand introduces at the heart of the discussion the link between risk and resilience, prevention and coping as well as three critical questions raised by Helen Fein (2000: 41) regarding genocide and its prevention: 'Is it our problem? Is it not only prudent but in our interest to do so? Is it really possible to detect genocide?'

Chapter 3 attempts to answer one of the questions posed by Lemarchand, following Fein: 'Is it really possible to detect genocide?' After Lemarchand has highlighted the issues at stake in the complex equation between prevention and coping, Stephan McLoughlin and Deborah Mayersen tackle the risk-resilience theme with clear methodological implications in mind for the field of genocide studies and with concrete operational suggestions with respect to effective prevention. They start with the observation already formulated by Shaw in the introductory chapter to Part I, namely that ideas of prevention are often simplistic. They question assumptions underlying the 'root cause paradigm' used in the construction of so-called 'risk lists' and, by extension, approaches to the prevention of mass atrocity. Is the trajectory leading to mass violence a linear process? Do the early stages leading to violence used in risk lists have any meaning and predictive capacity at all given their broad scope? And can we truly derive preventive measures by only studying positive cases, thus instances that resulted in genocide? Therefore, they propose a new framework for the structural prevention of genocide and mass atrocities that has two components: the identification of long-term preconditions known to exist prior to