

From *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*

Mahmood Mamdani

A Reconciliation with History

Postgenocide Rwanda presents a sharp contrast to postapartheid South Africa. In the white population in Apartheid South Africa, there were few perpetrators but many beneficiaries. Among the Hutu in Rwanda of the genocide, there were fewer beneficiaries and many more perpetrators. If it is true that hundreds of thousands of Hutu participated directly in the killings, then reconciliation presents a dilemma, morally and politically. Even a cursory visit to postgenocide Rwanda brings one face-to-face with this dilemma. Every time I visited postgenocide Rwanda, I would ask responsible state officials – sometimes a minister – as to how many ordinary civilians they thought had participated in the genocide. Every time, the answer was in the millions. Even more troubling, the estimate grew with each visit. The first time I went, a minister suggested a practical way to apportion blame and mete out justice: “Categorize according to responsibility. Let those with responsibility be shot in the national stadium. Then go ahead and say that for all those who participated, the three to four million, let them say we did the wrong thing.”¹ From “three to four million” in 1995, the figure had grown to “four to five million” in 1997, when another minister told me that “80 percent of those [Hutu] alive had participated in the killing.”² What was the point of these growing estimates? Was it an attempt by those in power to underscore that the majority of Hutu in

Rwanda are guilty of genocide? Or, was it also a claim that this guilty majority be deprived of political rights as punishment for its crimes? I am concerned less with the truth of the claim than with its political significance. Rwanda’s key dilemma is how to build a democracy that can incorporate a *guilty majority* alongside an aggrieved and *fearful minority* in a single political community.

The Rwandan state generally avoids the use of Hutu and Tutsi as political identities. But it has adopted a “genocide framework” from which to categorize the population politically, meaning that “the 1994 genocide is singled out as an event producing the only politically correct categories for identification and guidelines” for state policy.³ The state language in Rwanda, the language one hears from all officials, and also from many who are not, divides the population into five categories: returnees, refugees, victims, survivors, and perpetrators. The *returnees* are, first and foremost, the mainly Tutsi (and some Hutu) exiles who returned with the Rwanda Patriotic Front (RPF). The *refugees* are divided into two: the “old caseload” refers to mainly Tutsi pregenocide refugees, whereas the “new caseload” refers to the wholly Hutu postgenocide refugees. The terminology is also used by UN and NGO circles. The *victims* are said to be both Tutsi and Hutu – the latter victims of the massacres of the internal political opposition. But when it comes to identifying living victims, this identification is limited to the “Tutsi genocide sur-

vivors" and "old caseload refugees"; "new caseload are not considered victims and as such are often not entitled to assistance for the construction of homes."⁴ Finally, *survivor* is a term applied only to Tutsi. This is because the genocide was aimed at only the Tutsi, I was told. From this point of view, the "survivor" is a Tutsi who had been in the country at the time of the genocide and who is alive today. The word is not used for any Hutu then in the country. The assumption is that every Hutu who opposed the genocide was killed. The flip side of this assumption is that every living Hutu was either an active participant or a passive onlooker in the genocide. Morally, if not legally, both are culpable. The dilemma is that to be a Hutu in contemporary Rwanda is to be presumed a *perpetrator*.

Associated with this is another obvious fact: that political violence in the Rwandan genocide had an open, mass, and perversely popular character, as opposed to the secret, cloak-and-dagger nature of political violence in South Africa. Killings in Rwanda were not done by shadowy death squads, but by mobs of machete-wielding citizens. Killings did not happen under cover of darkness, with hardly a witness in sight, and with every effort to destroy the evidence. Instead, they happened in broad daylight, for all to see, and with no effort to destroy the evidence. In a nutshell, while the identity of the perpetrator was not always known in South Africa, it *is* known in Rwanda.

True, there are many more perpetrators than there are beneficiaries in Rwanda, unlike in South Africa, and their identity also tends to be more public. And yet, neither the identity of the perpetrator nor that of the survivor is as transparent in Rwanda as these differences would lead one to think. This is because the identification of both perpetrator and survivor is contingent on one's historical perspective. This is why it is not possible to think of reconciliation between Hutu and Tutsi in Rwanda without a prior reconciliation with history. In a 1996 visit to Kigali, I requested to be taken to a school so I could talk to a history teacher. My host, an aide to the vice-president, said this would be difficult since history teaching in schools had stopped. I asked why. Because there is no agreement on what should be taught as history, was the reply. History in Rwanda comes in two versions: Hutu and Tutsi. Ever since the colonial period, the cycle of violence has been fed by a

victim psychology on both sides. Every round of perpetrators has justified the use of violence as the only effective guarantee against being victimized yet again. For the unreconciled victim of yesterday's violence, the struggle continues. The continuing tragedy of Rwanda is that each round of violence gives us yet another set of victims-turned-perpetrators.

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. This exercise requires putting the truth of the genocide, the truth of mass killings, in a historical context. To find a way out of this cycle, it is necessary to link political outcomes more to political institutions and less to political agency. The tendency has been the opposite: indeed, to so individualize and decontextualize the truth of the genocide – South Africa-style – that it escapes comprehension. What would it mean to contextualize the truth? It would be, *first of all*, to connect it to the civil war. This means to avoid two pitfalls: neither to merge and dissolve the genocide in the civil war, in which case it would cease to exist analytically, nor to sever it so completely from the civil war that the act of killing would become devoid of motivation. To see the genocide as one outcome of defeat in the civil war would be to see it as *political* violence, an outcome of a power struggle between Hutu and Tutsi elites. That would mean both to recognize Hutu and Tutsi as political identities and to recognize that the problem of Rwanda is first and foremost one of political power. There can be no reconciliation without a reorganization of power. [...]

Two Forms of Justice

Victor's justice

To pursue victor's justice would be to follow the example of Israel. It would be to build a Zionist-type state on the ashes of the genocide. This is indeed what is happening in contemporary Rwanda. Three convictions underline the character of postgenocide power in Rwanda. The first is an overwhelming sense of moral responsibility for the very survival of all remaining Tutsi, globally. This gives postgenocide power its first distinguishing characteristic: it is defined by a diasporic, rather than a territorial, notion of political obligation and political community. The second

conviction – also a direct outcome of the experience of the genocide – is that Tutsi Power is the minimum condition for Tutsi survival. Tutsi will only be protected if they have a state of their own. I found this conviction shared by both the Congolese Tutsi legal adviser to the secretary-general of the Alliance of Democratic Forces in Kabila's Congo, and the newly appointed Rwandese commander of the Congolese national army in 1997. This point of view marks postgenocide power with yet a third conviction: that the only peace possible between Tutsi and Hutu is an armed peace. It also lends credibility to those in the opposition who argue that the Hutu must be armed if they are not to return to the servile condition of pre-1959 Rwanda.

Thus, even the moderate opposition to the RPF complains that not only are structures of power in Rwanda being Tutsified, civic organizations – from the media to nongovernmental organizations – are being cleansed of any but a nominal Hutu presence.⁵ On its part, postgenocide power is determined to remove from the soil of Rwanda any trace of conditions that could possibly lead to a repeat of the genocide. Its unswerving motto recalls the claim that made post-Holocaust power in Israel immune to any moral doubts when it came to atrocities against Palestinians: NEVER AGAIN. Ironically, the conviction that Tutsi Power is the precondition for Tutsi survival means that life itself can be subordinated to this supreme goal, the survival of Tutsi Power.

The founding ideology of Tutsi Power in post-genocide Rwanda is the memory of the genocide and the moral compulsion never to let it happen again. The pursuit of the *génocidaires* is the *raison d'être* of the postgenocide state, the one permanent part of its agenda. In the real world of state politics, however, the word *génocidaire* may be used to label any Hutu seen as an opponent, or even a critic, of Tutsi Power. Arrests can be made on the basis of denunciation, not investigation. Even if the crowded jails of Rwanda take a daily toll on the lives of those incarcerated within, this does not disturb moral sensibilities.⁶ The moral certainty about preventing another genocide imparts a moral justification to the pursuit of power with impunity.

Most recognize that the precondition for victor's justice is, clearly, victory. Few, however, recognize its price. The victor must remain on constant guard, lest the spoils of victory be snatched yet

again. Just as a jailer comes to be tied to the jail as much as is the prisoner, so a victor must live in anticipation and fear of the next round of battle, why adversaries often tend to get locked into a single cycle more securely than do friends. The price of victor's justice is either a continuing civil war or a permanent divorce. It is worth remembering that it is not simply German defeat in the Second World War that made Nuremberg possible, but also the effective divorce between Gentiles and Jews in Germany, since most surviving German Jews departed for either America or Israel. In the absence of this effective divorce, anything resembling Zionist power in Germany would have been a recipe for triggering a civil war. In this sense, we need to bear in mind that while the RPF won the war, there has been no divorce between Tutsi and Hutu in Rwanda. The price of victor's justice, in Rwanda, must thus be yet another round of a continuing civil war.

It is also worth remembering a second difference between the Nazi Holocaust and the Rwandan genocide. Though both were designed from above, from within the state, the genocide alone unfolded as wave upon wave of mass killings, where not only victims but perpetrators too were drawn from civil society. As a state project that was carried out by many in society, the Rwandan genocide resembles apartheid more than it does the Holocaust. This is why victor's justice – the Tutsification of state institutions – cannot be an effective guarantee against a repeat of genocidal violence in Rwandan society. If anything, it will keep alive the specter of yet another round of genocidal violence.

Survivor's justice

The form of justice flows from the form of power. If victor's justice requires victor's power, then is not victor's justice simply revenge masquerading as justice? To get away from this dilemma, we need to explore answers to two questions. Is a form of justice possible that is not at the same time victor's justice? Is a form of reconciliation possible that is not at the same time an absence of justice, and thus an embrace of evil? These questions provide a clue to finding a way out of the dialectic of civil war. That way has to be anchored in an alternative form of justice that I will call *survivor's justice*.

The prerequisite for survivor's justice, as for victor's justice, may also be victory. For victory presents alternatives to the victor, which it does

not to the vanquished. Only the victor has the choice of reaching out to the vanquished on terms that have the potential of transcending an earlier opposition between the two, by defining both as survivors of the civil war. To transcend the terms of the earlier opposition is to forge a new community of survivors of the civil war. From this point of view, the term "survivor" does not refer to surviving victims – which, as I have pointed out, is how it is used in contemporary Rwanda – but to all those who continue to be blessed with life in the aftermath of the civil war.⁷ The notion of survivor seeks to transcend the bipolar notions of victim and perpetrator.

The difference between victor's justice and survivor's justice is clear if we look at the two major postwar paradigms of justice: de-Nazification and de-Sovietization. The former came into being at the onset of the Cold War. The latter marked the end of the Cold War. Simply put, the logic of de-Nazification is to blame the agent, that of de-Sovietization is to blame the system; de-Nazification requires identifying both victims and perpetrators. De-Sovietization is anchored first and foremost in the identity of survivors; it acknowledges victims, but not perpetrators. From this point of view, to identify individuals as perpetrators would be to demonize them. To pursue the logic of de-Nazification in contemporary Rwanda would be to identify the leadership of the genocide so as to hold it accountable. Such, indeed, is the purpose of the international court in Arusha and the local courts inside Rwanda. To pursue the logic of de-Sovietization would be to put emphasis, first and foremost, on the institutions of rule in Rwanda. Where survivors – victims and perpetrators from an earlier round of struggle – must learn to live together, ways must be found to reconcile the logic of reconciliation with that of justice.

Survivor's justice is different from revolutionary justice. It makes sense only in contexts where there have been few beneficiaries in the preceding civil war. I have already commented on the difference between South Africa and Rwanda on this score: one is struck by how few were the perpetrators of apartheid, and how many its beneficiaries, and conversely, how many were the perpetrators in Rwanda's genocide and how few its beneficiaries. Where beneficiaries are many, reconciliation has to be social to be durable, which is the same thing as saying there can be no durable reconciliation without some form of social justice.⁸ But where

beneficiaries are few, the key to reconciliation is political reconciliation. The prime requirement of political reconciliation is neither criminal justice nor social justice, but *political justice*. It requires not only shifting the primary focus of reform from individuals to institutions, but also recognizing that the key to institutional reform is the reform of institutions of rule. Thus the question: What would it mean to reform institutions of rule so as to give survivors of the genocide another chance?

Reconciling Justice to Democracy

The genocide retrenched Hutu and Tutsi as salient political identities. The dilemma of postgenocide Rwanda lies in the chasm that divides Hutu as a political majority from Tutsi as a political minority. While the minority demands justice, the majority calls for democracy. The two demands appear as irreconcilable, for the minority sees democracy as an agenda for completing the genocide, and the majority sees justice as a self-serving mask for fortifying minority power. To break out of this logjam, I suggest we link both political justice and political democracy to a reform of institutions of rule.

Justice

The question of political justice goes beyond holding the perpetrators of the genocide accountable. Ultimately, it is about the definition of political identities. I have argued that European colonialism in twentieth-century Africa turned indigeneity into the litmus test of rights. Every postindependence regime vowed to change the political world of the settler and the native. Every one of them pledged to deracialize civic rights by making them available to all citizens regardless of color. That is where similarities ended.

While everyone agreed that the settler's prerogative had to go, not everyone was agreed that the native too was a colonial construct that needed to be reformed just as urgently. Could the political identity "settler" be done away with when its bipolar twin "native" was embraced? Anticolonial nationalism was divided on this question. Radical nationalism – as championed by Julius Nyerere, for example – was determined to reform citizenship consistently, both to deracialize and to deethnicize it. From this point of view, it was not enough to do away with just the settler's prerogative; all prerogatives, racial as well as ethnic,

would need to be abolished. The predominant trend in African postcolonialism was otherwise: for conservative nationalism, the point of independence was precisely to replace the settler's prerogative by the native's prerogative.

Even though the political prerogative was transferred to the native, the continued legal representation of the indigenous population as *natives* showed that the colonial political legacy had yet to be fully transcended. Where colonial rule had been indirect, as in Uganda and Congo, the native prerogative was defined as ethnic. But where colonialism had imposed a version of direct rule – a halfway house, as I have said, in the case of Rwanda – the prerogative was racial. The 1959 Revolution in Rwanda against the Tutsi, like the 1964 Revolution in Zanzibar against Arabs and the 1972 expulsion of Asians in Uganda, belongs to this second category. Targeted in 1959 as an alien race, the Tutsi were recognized as an indigenous ethnicity by the Second Republic after 1973, but reconstructed as an alien race by the *génocidaires* after the coup of April 1994. As in the 1959 Revolution, so in the 1994 genocide too, the Tutsi were targeted as an alien race. Political justice for the Tutsi cannot mean simply identifying and holding the perpetrators of massacres accountable. By itself, that would return them to the world of the rat and the cat. It also requires a juridical and institutional reform that ceases to make a distinction between two kinds of citizens: one indigenous, the other not.

In contrast to colonial Rwanda, where race was the salient political identity, Congo and Uganda were indirect-rule colonies where *both* race and ethnicity defined political identity. If the settler identity was *racialized*, the native identity was *ethnicized*. Did it not follow that, in indirect-rule colonies such as Uganda and Congo, decolonization would require a combination of deracialization and deethnicization, as indeed Nyerere had championed in Tanzania? On this question, too, nationalism was differentiated. The mainstream – conservative – view was that the world of the “customary” as defined by colonialism was indeed the world of African tradition, and so the conviction that it must be preserved.⁹ A reform executed from this point of view did two things. While civic law and civic authority were deracialized in the name of a universal rights culture, an ethnically defined “customary” law and an authority to enforce it were retained as *particular* to the tradition

of those indigenous to Africa. Independent governments also vowed to end the perversion of colonialism by restoring the political prerogative of those indigenous over strangers. The result was to reproduce the bifurcated world created by colonialism: the distinction between indigenous and non-indigenous, abolished in the civic sphere, remained in the ethnic sphere. Even if turned upside-down, the political world remained as designed by the settler.

The antidote to the embrace of colonially constructed custom as authentic African tradition came from among the postindependence oppositional political movements that had to contend with the rights of ethnic strangers. As one would expect, the most promising initiatives came from those that stood to lose the most from an uncritical reproduction of the colonial legacy. Not surprisingly, the most creative departures have come from those movements strongly influenced by Rwandan Tutsi: the Banyamulenge in Congo, and the National Resistance Army in Uganda. Of the two, we have seen that the most radical solution to this dilemma came from the latter, born of the guerrilla struggle in the Luwero Triangle. Luwero had an extremely heterogeneous population: anywhere from a third to a half of its residents had immigrated from outside the area. To continue to define rights on the basis of indigeneity in such a socially heterogeneous context was bound to be politically explosive and disruptive – regardless of whether one leaned in favor of those indigenous or those not. Welding an alliance between locals and migrants required a political identity that could encompass both. The National Resistance Army found this identity in the criterion of resident. When it came to deciding who would be a member of a village council and who could run for office on the ten-person village committee, what mattered was residence, not the circumstances of one's birth or ethnic belonging.

To leave the test of indigeneity for one of residence as the basis for political identity and political rights is to take leave of the world of the rat and the cat, of ethnicity and race, of the native and the settler, as political identities. This, in turn, would require making a clear distinction between cultural and political identities so as to redress the dialectic between the past and the future. To ground political rights in cultural identities is to accent the past – of which a shared culture is one outcome – as a guide to limiting future possibil-

ities. To differentiate political from cultural identities, however, is to accent the commitment to live under a common roof over the recognition of a common history – no matter what the overlap between them – as the real basis for a shared future. [...]

One needs to close with a sense of real political obstacles that will face any attempt to democratize public life in postgenocide Rwanda. Where there is an uneasy coexistence between guilty majorities and fearful minorities, the possibility of a democratic transition is likely to appear more as a threat than a promise to the minorities concerned – why vulnerable minorities tend to fear rather than welcome democracy. The experience of the Tutsi, too, is likely to reinforce an ambivalent attitude to democracy. Were not the Tutsi liberators inside Uganda's NRA sidelined on the morrow of the guerilla victory precisely because they came from a vulnerable minority? Did not the dawn of democracy in Zaire, signified by the coming together of a National Conference of civil and political society in the early 1990s, complete the process leading to the disenfranchising of the Banyarwanda minority? Was not the Rwandan genocide driven forward by the energy of popular mobs mobilized to defend Hutu Power? By itself, majority rule provides no guarantee for minorities that fear majority domination. My point is that if we go by the experience of Banyarwanda – and more specifically Tutsi Banyarwanda – in the African Great Lakes, majority rule can be turned into a bedrock for domination over fragile minorities.

How to foreclose the possibility of a *democratic despotism* remains our toughest challenge yet. While this question is not directly the subject of this book, I believe its subject does bring us a step closer to addressing this question. I began the book with the claim that, even when they mimic preexisting identities – whether cultural or market based – political identities need to be understood as a product of the political process. From this point of view, Hutu and Tutsi need to be understood both as *historical* identities and as *political* identities. As majority and minority, Hutu and Tutsi are not natural identities brought into the political realm; they are political artifacts of a particular form of the state.

If the immediate challenge in Rwanda is to undercut Hutu and Tutsi as political identities,

I have argued that this will not happen so long as the minority monopolizes power. If anything, it will be the surest way of locking the Banyarwanda into the world of the rat and the cat, and giving these identities a longer lease on life. The region provides us two examples of how a minority may give up power. The first is Zanzibar, the second South Africa. For a minority gripped by the fear of extinction, the Zanzibari example is likely to have greater resonance, for at least one reason: it involved longer-term political concessions by both the minority and the majority. Not only did the "Arab" minority cede power, the "African" majority in Zanzibar also ceded full claim on power as the country merged with mainland Tanganyika to form a wider union, Tanzania. The union set in motion a new dynamic tending to dissolve the identities "Arab" and "African" in a wider crucible, over time generating a "Zanzibar" identity. Is a dynamic possible that may undercut the legacy of Hutu and Tutsi as binary political identities, dissolving them in the crucible of a larger Banyarwanda identity in the short run and, other identities we may not imagine today, in the medium run? If yes, it will require us to question the hitherto presumed equation of the democratic project with the national project. Indeed, if it is to be, it will need to draw on energies that go beyond any national assertion. Such a dynamic will need to be the result of a regional initiative, backed up by international support, which in turn needs to be driven by the urgent need to defuse a simmering volcano before it blows up yet again, this time engulfing the wider region.

NOTES

- 1 I. Inyumba, interview, Kigali, 20 July 1995.
- 2 Patrick Mazimpaka, interview, Kigali, 11 July 1997; Philip Gourevitch cites several estimates, from a million (Vice-President Kagame) to three million (Dusaidi, aide to the vice-president). See Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda* (New York: Farrar, Straus, and Giroux, 1998), p. 244.
- 3 Saskia Van Hoyweghen, "The Rwandan Villagisation Programme: Resettlement or Reconstruction?" in Didier Goyvaerts, *Conflict and Ethnicity in Central Africa* (Tokyo: Institute for the Study of Languages and Cultures of Asia and Africa, 2000), p. 212.
- 4 Ibid.
- 5 Filip Reyntjens writes:

The tutsisation of the state machinery was further reaffirmed. Even while the government, the country's international "business card" has grosso modo equal representation (14 Hutu, 12 Tutsi, 1 unidentified), out of the 18 general secretaries identified, 14 are Tutsi from the RPF; with the exception of 2 ministers, all the non-RPF ministers are flanked by a general secretary from the RPF. While the National Assembly already has a Tutsi majority, it continues to be subject to purges. . . . Out of the twelve prefects, nine are Tutsi, two Hutu and one position is vacant. The number of Tutsi mayors is established to be over 80%. Eleven of the fourteen ambassadors are Tutsi, with nine coming from the ranks of the RPF. Among the fourteen officers comprising the high command of the army and gendarmerie, there is only one Hutu. . . . The tutsisation of the judiciary has been reinforced in a very pronounced manner after the suspension of six Hutu judges of the *Cour de Cassation* and the Council of State on March 24, 1998; they were later dismissed.

See Filip Reyntjens, *Talking or Fighting? Political Evaluation in Rwanda and Burundi, 1998-99*, Cur-

- rent African Issues, no. 21 (Nordiska Afrikainstitutet, 1999), pp. 5, 15.
- 6 "At the end of 1998, 125,028 persons remained officially detained, though the actual number is probably much higher. According to the Rwandan government, in 1998 several thousand detainees died as a result of AIDS, malnutrition, dysentery and typhus. During the month of November 1998, 400 prisoners died from typhus in the Rilima prison alone." See *ibid.*, p. 14.
 - 7 This is the sense in which Abraham Lincoln used the term in the aftermath of the Civil War in the United States. Though dipped in religious terminology, he called for survivors to be born again, to reconcile. See Robert Meister, "Forgiving and Forgetting," in Carla Hesse and Robert Post, eds., *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999), pp. 135-76.
 - 8 See Mahmood Mamdani, "The Truth According to the TRC," in Ifi Amadiume and Abdullahi An-Nai'im, eds., *The Politics of Memory: Truth, Healing and Social Justice* (London: Zed Press, 2000).
 - 9 This, indeed, is Basil Davidson's solution to Africa's political problems. See Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State* (New York: Times Books, 1992).