PART I

Introduction

1

A Justice Facade

[T]he more menacing the power, the thicker the mask.

James C. Scott[1]

By taking as our inspiration a model outside time and place, we are certainly running a risk: we may be underestimating the reality of progress.

Claude Lévi-Strauss[2]

[W]e have a duty to investigate the dangers of coercive harmony, and to expose repression when it poses as consensus.

Laura Nader[3]

This is a book about a quarter-century of death, about fear and loathing in Central Africa. In 1994, a most efficient genocidal campaign tore through Rwanda. Until then the tiny country in the Great Lakes region had been little more than a footnote in the annals of history. But in April that year, by escalating a simmering civil war, Hutu hardliners in the higher echelons of the authoritarian regime bundled the infrastructural power of the state's governmental and nongovernmental organizations to exterminate, within the span of a hundred days, the country's Tutsi population and other imagined enemies they deemed worthy of absolute destruction. Around half a million Rwandans perished in 1994, perhaps more.[4] No twentieth-century genocide achieved annihilation at a faster pace. This book is about that genocide's aftermath. It is a book about transitional justice gone awry.

[1] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), p. 3.
[2] Claude Lévi-Strauss, *Tristes tropiques* (London: Penguin, [1955] 1973), p. 392.
[3] Laura Nader, "Harmony Coerced Is Freedom Denied," *Chronicle of Higher Education*, July 13, 2001.
[4] Omar McDoom, in the most convincing analysis to date, recently estimated that between 491,000 and 522,000 Tutsi were killed in the period from April 6 to July 19, 1994. In a rigorous and careful econometric analysis, Marijke Verpoorten has argued that the number of annihilated Tutsi lives lies

A DARING EXPERIMENT

When I traveled to Rwanda for the first time, in the summer of 2002, I was keen to find evidence for hope.[5] I hoped to be present at the creation of something extraordinary – transitional justice in the vernacular. I was not naïve, but I was still excited at the possibility of witnessing a country chart a path "between vengeance and forgiveness," as Martha Minow, a few years earlier, had summed up her vision of transitional justice.[6]

A daring new experiment in transitional justice was afoot in post-genocide Rwanda. It was making headlines around the world. In the offing, if one believed chatter in the rule-of-law community, was something bold, unprecedented – and autochthonous. I wanted to be there. I wanted to see justice in translation. The governmental project I chose to study certainly sounded indigenous: "*inkiko gacaca*" (pronounced *in-khi-ko ga-cha-cha*). The nomenclature was terribly effective because it was strikingly *affective*. By stimulating a sensuous response, the neologism caused countless international observers to suspend disbelief. The language of law inspired hope without any evidence to justify it, however. Often translated as "justice on the grass," the Kinyarwandan vernacular bestowed an air of authenticity – and of authority and legitimacy – that the extraordinary court system never possessed. For Rwanda's *gacaca* courts were high-modernist institutions – and, as I will show, violent ones at that. They functioned as technologies of rule. This function, however, was obscured by talk of "tradition." This facile blather caught on. Just as revered photographers from James Nachtwey to Gilles Peress, and celebrated journalists like Philip Gourevitch and Fergal Keane, tragically misunderstood – and misrepresented – the logic of violence in the 1994 genocide, an avoidable failing to which I return in the final chapter, the vast majority of international observers failed to notice the logic of violence in genocide's aftermath – especially the violence of law, as it manifested itself, for example, in Rwanda's *gacaca* courts.

The country's authoritarian government, which nominally began as a government of national unity, set up the first of what eventually became thousands of community courts in 2002 in an effort to come to terms with all but the most serious crimes committed in the course of the Hutu-led genocidal campaign. The planners of this parallel legal system staged their experiment in phases, beginning with a pilot phase. When the system finally became operational

somewhere between 562,000 and 662,000. See Omar Shahabudin McDoom, "Contesting Counting: Toward a Rigorous Estimate of the Death Toll in the Rwandan Genocide," *Journal of Genocide Research*, Vol. 22 (2020), pp. 83–93; Marijke Verpoorten, "How Many Died in Rwanda?", *Journal of Genocide Research*, Vol. 22 (2020), pp. 94–103. On the methodology and politics of casualty estimates in the case at hand, see Jens Meierhenrich, "How Many Victims Were There in the Rwandan Genocide? A Statistical Debate," *Journal of Genocide Research*, Vol. 22 (2020), pp. 72–82.

5 Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton: Princeton University Press, 2017).

6 Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998).

nationwide, in 2005, it blanketed the entire country. Rwanda's unorthodox judicial institutions were everywhere to be seen, and, like pockmarks on a body politic, a sight to behold. The open-air courtrooms in which the post-genocide government staged them looked autochthonous, which is why the *inkiko gacaca* project inspired a great deal of cruelly optimistic commentary and scholarship – writings that mistook an institution of authoritarian high modernism for genuine folk justice.

The journalistic coverage was equally affective – and ill-informed – just as it had been during the genocide. Hundreds of journalists parachuted into the countryside to report on the country's experiment in transitional justice, almost all of them hopeful. One day, I crossed paths with a *Vogue* journalist in one of the rural communities I was studying. A photographer in tow, she had come to find subjects for a carthartic – and aesthetically pleasing – story about the restorative power of transitional justice. The desire to find evidence for hope in the least likely of circumstances has proved alluring to the steady stream of international visitors – from humanitarians to thanatourists – in the last thirty years.[7] Almost all of them arrive, as did I, with a Western gaze. This they eagerly shed – too eagerly, as it turns out.

When the millennium turned, essentialist readings of the genocide were on the wane. Paradoxically, essentialist readings of genocide's aftermath were on the rise. Arguments from "ancient hatreds" had been shown to be – and were widely accepted as – racist.[8] Yet it occurred to few that arguments from ancient justice are no less reductive – and equally orientalist. Many international observers in post-genocide Rwanda fetishized what they regarded – wrongly – as "justice without lawyers."[9] Lured to Central Africa by a chimera – the mythology of tradition – they became entranced by the "mythic modernities" of Rwanda's *gacaca* courts.[10]

It turns out that piercing "the magicalities of modernity," as Jean Comaroff and John Comaroff say we must, is no mean feat.[11] It takes time to reveal – layer by layer – the subterfuge frequently associated, in Rwanda and elsewhere, with the discourse of traditional justice. I learned that it takes time to marshal – piece by

[7] Steve Silva, "Genocide Tourism: Tragedy Becomes a Destination," *Chicago Tribune*, August 5, 2007; Tony Johnston, "The Geographies of Thanatourism," *Geography*, Vol. 100 (2015), pp. 20–28.

[8] For a striking example that I use in my teaching, see "Tribes Battle for Rwandan Capital," *New York Times*, April 16, 1994, reprinted, with commentary, in Jens Meierhenrich, ed., *Genocide: A Reader* (Oxford: Oxford University Press, 2014), pp. 265–266.

[9] See, for example, Phil Clark, *The Gacaca Courts, Post-genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge University Press, 2010).

[10] Jean Comaroff and John Comaroff, "Introduction," in *idem*, eds., *Modernity and Its Malcontents: Ritual and Power in Postcolonial Africa* (Chicago: University of Chicago Press, 1993), p. xi. See also Eric Hobsbawm, "Introduction: Inventing Traditions," in Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983), pp. 1–14.

[11] Comaroff and Comaroff, "Introduction," p. xxx.

piece – evidence of transitional injustice.[12] And it takes time to trace – step by step – the violence of law. "Thinking is a struggle for order," C. Wright Mills remarked, "and at the same time for comprehensiveness."[13] For this reason, and a few others, mine is a very long book.

The case of Rwanda is not a case *sui generis*, mind you. I rely on it to advance a larger argument about the endtimes of transitional justice.[14] My critique of transitional justice is a call for the decolonization of transitional justice *tout court*.[15] Bemoaning the shortcomings of "distant justice" is not enough, I argue.[16] If localizing transitional justice is a worthy policy endeavor, localizing the violence of transitional justice at the grassroots is no less important, arguably more so. With critiques of the International Criminal Court (ICC) proliferating, the catechization of "local justice" has become the norm, its critique the exception. This is a book about the exception.

Truncated Empiricism

In the language of Kinyarwanda, the word *gacaca* connotes a patch of undergrowth.[17] It describes the setting of an ostensibly traditional mode of dispute resolution that the *gacaca* courts are said to have mimicked. I write "ostensibly" because no reliable primary sources exist to allow us to verify with any degree of certainty, let alone document in empirical detail, the existence and widespread use of what some have called "traditional *gacaca*."[18] Arguably, the ruling Rwandan Patriotic Front (RPF) named its invented legal tradition *inkiko gacaca* (meaning "*gacaca* courts") as a nod to the adversarial legalism that would become its defining feature.[19] In 2012,

[12] See also Jens Meierhenrich, *Transitional Injustice: Rwanda over the* Longue Durée (forthcoming), a companion volume in which I analyze longitudinally the long-run consequences of precolonial, colonial, and postcolonial uses of lawfare. This institutional prehistory of the *gacaca* experiment underlines the importance of taking Rwanda's extraordinary response to the 1994 genocide *out* of the context of transitional justice. For a global treatment, see Meierhenrich, *Lawfare*.

[13] C. Wright Mills, *The Sociological Imagination* (Oxford: Oxford University Press, [1959] 2000), p. 223.

[14] Jens Meierhenrich, "The Endtimes of Transitional Justice," in Jens Meierhenrich, Alexander Laban Hinton, and Lawrence Douglas, eds., *The Oxford Handbook of Transitional Justice* (Oxford: Oxford University Press, in press).

[15] Jens Meierhenrich, "Decolonizing Transitional Justice," in Meierhenrich, Hinton, and Douglas, *The Oxford Handbook of Transitional Justice*.

[16] Phil Clark, *Distant Justice: The Impact of the International Criminal Court on African Politics* (Cambridge: Cambridge University Press, 2018).

[17] The word *gacaca* is said to be derived from the name of a type of plant called *umucaca*. Because of its peculiar softness, Rwandans apparently liked to sit on it during communal meetings. The physical space in which these gatherings took place became known as *agacaca*, which, some surmise, subsequently inspired the shortened word form *gacaca*. For this etymology, see Bert Ingelaere, *Inside Rwanda's Gacaca Courts: Seeking Justice after Genocide* (Madison: University of Wisconsin Press, 2016), p. 19.

[18] For a more detailed analysis of what I call "varieties of *gacaca*," see Chapter 5.

[19] The use of "*inkiko*" derives from *urukiko*, meaning "court" or "tribunal" in Kinyarwanda.

after ten years of lay adjudication, the high-modernist project was shuttered. By closing time, its lay judges had processed, if official figures are to be believed, nearly 2 million cases of alleged low-ranking, mid-ranking, and – in the final years – even high-ranking *génocidaires*.[20]

In one sense, the invention of the *gacaca* courts was an innovative attempt to respond to the legacies of the genocide, and to foster "Rwandanness" or "Rwandanicity," as the government propaganda has it. It began as an unprecedented experiment in transitional justice. Consider the following statistics: the project involved nearly 170,000 judges and some 8 million ordinary Rwandans who together formed over 11,000 courts, almost all of them in the countryside. For the first time ever in history was an entire population involved in the adjudication of genocide. What is more, the decade-long sequestering of a parallel judiciary the size of a nation came on the cheap, at least by international standards. Whatever we think of its merits, Rwanda's *inkiko gacaca* project was one of the most cost-effective responses to atrocity ever attempted. According to official figures, the administration of the courts cost US$49.5 million in total, or US$25 per case.[21]

The enormity of the institutional design comes into even sharper relief if we compare it to another daring experiment in transitional justice – the Truth and Reconciliation Commission (TRC) of South Africa – which pales in size when considered alongside the *gacaca* project. South Africa's TRC was operational for only three years (1995–1998), divided its work among three committees, employed seventeen commissioners, convened fifty hearings, and disposed of 21,298 cases.[22] The TRC's caseload was equivalent to approximately 1 percent of that processed by Rwanda's *gacaca* courts.

Just like the TRC, the *gacaca* system was initially constrained – and later perverted – by its "excessive legalism."[23] Rwanda's *gacaca* project, like the genocidal project to which it responded, was exceedingly modern – and considerably more so than some international observers care to admit. On my argument, it was an attempt by Kigali's authoritarian rulers to ride the latest (what some count as the fifth) wave of "juridification."[24] Far from being a case of lawyerless justice, as Philip Gourevitch

[20] On June 18, 2012, the RPF-led government released a 282-page official report summarizing (and vigorously defending) the work of its *gacaca* courts. It claimed that during the ten years of their operation, they had adjudicated a total of 1,958,634 cases, the vast majority centering on property crimes. See Republic of Rwanda, *Gacaca Courts in Rwanda* (Kigali: National Service of Gacaca Jurisdictions, 2012).

[21] See http://inkiko-gacaca.gov.rw/English/?page_id=464.

[22] Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-apartheid State* (Cambridge: Cambridge University Press, 2001), pp. 21, 23.

[23] For the argument that "excessive legalism" interfered with the TRC's contribution to transitional justice in South Africa, see Wilson, *The Politics of Truth and Reconciliation in South Africa*, p. xix.

[24] For the argument that current transitional-justice programs are related to what Gerhard Anders has called "the fifth wave of juridification," see his "Juridification, Transitional Justice and Reaching out to the Public in Sierra Leone," in Julia Eckert, Brian Donahoe, Christian Strümpell, and Zerrin Özlem Biner, eds., *Law against the State: Ethnographic Forays into Law's Transformations* (Cambridge: Cambridge University Press, 2012), esp. pp. 97–99. On the judicialization of politics generally,

of the *New Yorker* wants us to believe it was, the project was a cruel manifestation of authoritarian high modernism and – crucially, as it turns out – not the first such endeavor in the history of Rwanda.[25] Lawyers and bureaucrats were turning the wheels of transitional justice – not the rural poor. *Inkiko gacaca* was not an institution of folk justice.

Unfortunately, many mistook the *gacaca* facade for its interior, law's surface for its substance. These erroneous interpretations are the result of what David Newbury and Catharine Newbury, in an influential assessment of the historiography of Rwanda, a while ago called "truncated empiricism."[26] This approach to history, perfunctory as it is, sees authors present supposed facts "without placing them in context," without considering "alternative data," without providing "internal critique," and without reference to "the contentions of historical process."[27] The approach is commonplace in accounts of genocide's aftermath in Rwanda.

The practice of *gacaca*, it is often said, refers to an informal method of dispute resolution that has been used for aeons to settle civil disputes over property rights, family matters, and other community affairs. Be that as it may, in the wake of the genocide, the interim government turned this informal institution into a full-blown mechanism of accountability. It invented a novel technology of transitional justice. Ringing endorsements came hard and fast, if mostly from abroad. Scores of international observers were elated, and relieved, that "a model of restorative justice" had been found in post-genocide Rwanda. This institutional choice, they hoped, would counterbalance international law's purported failure in Arusha, Tanzania, where the justice machinery of the International Criminal Tribunal for Rwanda (ICTR)

see, among others, John Ferejohn, "Judicializing Politics, Politicizing Law," *Law & Contemporary Problems*, Vol. 65, No. 3 (Summer 2002), pp. 41–68. On the judicialization of *authoritarian* politics, see Robert Barros, *Constitutionalism and Dictatorship: Pinochet, the Junta, and the 1980 Constitution* (Cambridge: Cambridge University Press, 2002); Tamir Moustafa, *The Struggle for Constitutional Power: Law, Politics, and Economic Reform in Egypt* (Cambridge: Cambridge University Press, 2007); Lisa Hilbink, *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile* (Cambridge: Cambridge University Press, 2007); Jens Meierhenrich, *The Legacies of Law: Long-Run Consequences of Legal Development in South Africa, 1652–2000* (Cambridge: Cambridge University Press, 2008); and Tom Ginsburg and Tamir Moustafa, eds., *Rule by Law: The Politics of Courts in Authoritarian Regimes* (Cambridge: Cambridge University Press, 2008).

[25] Clark, *The Gacaca Courts, Post-genocide Justice and Reconciliation in Rwanda*, pp. 132–168. On the occasion of the twenty-fifth anniversary of the 1994 genocide, Philip Gourevitch repeated the myth when he claimed, on National Public Radio, that the post-genocide government had "set up a system of community courts – without lawyers – to sort of repurpose a system that really had only been used for small claims mitigation in traditional Rwanda, called *gacaca*, and have open, communal – what we might call a town hall – format for trials." Transcript, "After the Genocide: Author Witnessed How Rwandans Defined Forgiveness," *National Public Radio*, April 9, 2019, available at www.npr.org/2019/04/09/711314421/after-the-genocide-author-witnessed-how-rwandans-defined-forgiveness.

[26] David Newbury and Catharine Newbury, "Bringing the Peasants Back In: Agrarian Themes in the Construction and Corrosion of Statist Historiography in Rwanda," *American Historical Review*, Vol. 105 (2000), p. 849.

[27] Newbury and Newbury, "Bringing the Peasants Back In," p. 849.

had begun to sputter.[28] Here is a representative account of the high hopes many international observers had for Rwanda's *gacaca* courts:

> As a mode of communal justice, *gacaca* operates on three crucial levels: (1) as a traditional mode of dispute resolution, its operation entails a high degree of social authority and legitimacy; (2) its dialogic function generates an open discursive space through which the community itself can create a collective memory of the genocide; (3) on a psychological and emotional level, the process allows the victims, the aggressors and the community to reach a level of mutual understanding and recognition which may facilitate the process of social reintegration and coexistence.[29]

We now know that Rwanda's *gacaca* courts possessed a high degree *neither* of "social authority" *nor* of "legitimacy." A significant number of perpetrators and survivors had been apprehensive from the start about the state-led project – and most have remained so.[30] The country's experiment in transitional justice was an abject failure. *Inkiko gacaca* exacerbated fear and loathing in the countryside. The "discursive space" that, in theory, is associated with community courts opened up in only very few of Rwanda's *gacaca* courts. Although one can find evidence of "social integration and coexistence" in some rural and urban communities, the claim that the *gacaca* courts helped to create "a level of mutual understanding and recognition" that played a causal role in these outcomes is spurious. In reality, they fostered transitional injustice – on a scale never seen before, as I will show.[31]

[28] The international justice machinery had been badly damaged in the ICTR's Barayagwiza crisis, when, in November 1999, the RPF-led government responded furiously to the ICTR Appeals Chamber's judicial order to release Jean-Bosco Barayagwiza – a defendant in the so-called Media Trial – from UN detention. The order was a judicial remedy for the Office of the Prosecutor's due-process failings in the international trial. On the controversy and its fallout, see Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for Cooperation* (Cambridge: Cambridge University Press, 2008), pp. 177–185. For a more recent, ethnographic study of the ICTR that puts the Barayagwiza crisis in organizational context, see Nigel Eltringham, *Genocide Never Sleeps: Living Law at the International Criminal Tribunal for Rwanda* (Cambridge: Cambridge University Press, 2019). An overarching, tentative assessment of the ICTR's effectiveness is available in Sara Kendall and Sarah M. H. Nouwen, "Speaking of Legacy: Toward an Ethos of Modesty at the International Criminal Tribunal for Rwanda," *American Journal of International Law*, Vol. 110 (2016), pp. 212–232.

[29] Jason Benjamin Frank, "Deontological Retributivism and the Legal Practice of International Jurisprudence: The Case of the International Criminal Tribunal for Rwanda," *Journal of African Law*, Vol. 49 (2005), p. 129.

[30] But cf. Phil Clark, "Hybridity, Holism, and 'Traditional' Justice: The Case of the Gacaca Courts in Post-genocide Rwanda," *George Washington International Law Review*, Vol. 39 (2007), pp. 765–837.

[31] For the first, carefully researched arguments to this effect, see Lars Waldorf, "Mass Justice for Mass Atrocity: Rethinking Mass Justice as Transitional Justice," *Temple Law Review*, Vol. 79 (2006), pp. 1–88; Jennie E. Burnet, "The Injustice of Local Justice: Truth, Reconciliation, and Revenge in Rwanda," *Genocide Studies and Prevention*, Vol. 3 (2008), pp. 173–193; and Bert Ingelaere, "'Does the Truth Pass across the Fire without Burning?' Locating the Short Circuit in Rwanda's Gacaca Courts," *Journal of Modern African Studies*, Vol. 47 (2009), pp. 507–528. Over the last decade, the number of critical perspectives on the *gacaca* project has grown. However, some, like Nick Johnson, formerly rector of the Institute of Legal Practice and Development in Rwanda, continue to ignore this

THE GACACA FACADE

In testimony to the U.S. Congress, Sarah Margon, Washington director of Human Rights Watch, on May 20, 2015, gave a clear-eyed portrayal of "developments in Rwanda," as the subcommittee of the House of Representative's Committee on Foreign Affairs had titled its hearing that day:

> Rwanda is a country of double realities. Visitors are impressed with the facade, the apparent security. But it is a smokescreen, because many Rwandans live in fear and not just because of the legacy of genocide but because the current government – the only once since the end of the genocide in 1994 – runs the country with a tight grip on power. Indeed, the ruling party, the Rwandan Patriotic Front, dominates all aspects of political and public life.[32]

In this book I examine the facade of which Margon speaks. I inspect its architecture, step behind the artifice.

In the thirty years since an estimated 200,000 *génocidaires* tore into and asunder communities in Rwanda, the suffering there continues.[33] The lot of the vast proportion of survivors in whose name President Paul Kagame, the longtime RPF leader, purports to govern has hardly improved. In fact, a considerable number of the peasants who miraculously made it through the carnage alive are worse off now than they were under the yoke of the oppressive developmental state that governed the Second Republic.[34] Yet, despite this destitution, their grief and fear remain the

evidence base: "No one claims that *gacaca* justice was perfect but very few here doubt that it saved Rwanda." As quoted in "We're Just One Happy Family Now, Aren't We?", *The Economist*, March 30, 2019. For a scholarly version of this argument, see Clark, *The Gacaca Courts, Post-genocide Justice and Reconciliation in Rwanda*. According to Clark, the *gacaca* courts were "a remarkable success" despite the fact that, as he concedes, they also "created major problems in many communities that will require systemic remedies long after [the government's] *gacaca* [project] has completed its work." Ibid., p. 28. Clark's conclusion begs the question, however: can one *really* count a transitional-justice mechanism a "remarkable success" if "many communities" are facing "major problems" as a result of its operation?

[32] Statement of Ms. Sarah Margon, Washington director, Human Rights Watch, *Hearing before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Committee on Foreign Affairs, House of Representatives, May 20, 2015, Serial No. 114–133* (Washington, D.C.: U.S. Government Publishing Office, 2016), p. 44.

[33] The figure of 200,000 estimated *génocidaires* derives from Scott Straus, "How Many Perpetrators Were There in the Rwandan Genocide? An Estimate," *Journal of Genocide Research*, Vol. 6 (2004), p. 95. It stands in marked contrast to the RPF-led government's insistence that 3 million perpetrators were involved in the destruction. The latter high-end estimate was reported, uncritically, by, among others, Philip Gourevitch, whose *New Yorker* articles and best-selling book *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (New York: Farrar Straus and Giroux, 1998) has done its share to obscure the nature not only of the 1994 genocide, but also of the authoritarian regime that the RPF created in its wake.

[34] Take poverty as an example. Although the RPF-led government purports to have reduced the country's poverty rate in the period from 1994 to 2019, critics have called this claim – and the underlying data – into question. Filip Reyntjens, "Lies, Damned Lies and Statistics: Poverty Reduction Rwandan-Style and How the Aid Community Loves It," *African Arguments*, November 3, 2015, available at

social capital being spent by an authoritarian regime that has proved more adept at repressing the nation than at reconciling it. "'Enemy, enemy, enemy' – that's what they call anyone who thinks differently," says Charles Kabanda, RPF chairman from 1987 to 1989, who found himself in his former organization's crosshairs when he became secretary-general of Rwanda's Green Party.[35] Like Margon, Kabanda thinks that the front which the authoritarian regime has been presenting to the world is facadist: "This government's record is dreadful. It's only you, the international community, who is showering them with flowering praise."[36]

Hecatomb

I use the metaphor of the facade deliberately to frame what is to come. It is a fitting image for several reasons. For one, it alludes to law's performativity; that is, to the central role that legal performances play whenever a dictatorship, such as Rwanda's, takes up the question of transitional justice.[37] By foregrounding the performative nature of much of what has gone on in post-genocide Rwanda – and the inherent ambiguity that has always pervaded social life there – one becomes more attuned to the violence of law, including the myriad ways in which the legalization of everyday life has hurt the country's recovering body politic since 1994.

In concealing its violent practices under the guise of law, the post-genocide government is not unique in the annals of state-building. The RPF's strategy of keeping "all in awe," which Thomas Hobbes, famously, believed only a mighty leviathan could, has been a tried and tested, if rarely benevolent, recipe for social order. In *Leviathan*, the state of law is presented

https://africanarguments.org/2015/11/03/lies-damned-lies-and-statistics-poverty-reduction-rwandan-style-and-how-the-aid-community-loves-it; Sam Desiere, "The Evidence Mounts: Poverty, Inflation and Rwanda," *Review of African Political Economy* blog, June 26, 2017, available at http://roape.net/2017/06/28/evidence-mounts-poverty-inflation-rwanda. For a rebuttal of these findings, see Freeha Fatima and Nobuo Yoshida, *Revisiting the Poverty Trend in Rwanda: 2010/11 to 2013/14*, Policy Research Working Paper 8585 (Washington, D.C.: World Bank, 2018). For rebuttals of this rebuttal, see further entries on the *Review of African Political Economy* blog.

35 As quoted in Jeffrey Gettleman, "Rwanda Pursues Dissenters and the Homeless," *New York Times*, April 30, 2010.

36 As quoted in Gettleman, "Rwanda Pursues Dissenters and the Homeless."

37 For a recent call to advance interdisciplinary scholarship on legal performance, see Julie Stone Peters, "Legal Performance Good and Bad," *Law, Culture and the Humanities*, Vol. 4 (2008), pp. 179–200. See also Jens Meierhenrich and Catherine Cole, "In the Theater of the Rule of Law: Performing the Rivonia Trial in South Africa, 1963–1964," in Jens Meierhenrich and Devin O. Pendas, eds., *Political Trials in Theory and History* (Cambridge: Cambridge University Press, 2016), pp. 229–262. For other thick descriptions of law's performativity, see Catherine M. Cole, *Performing South Africa's Truth Commission: Stages of Transition* (Bloomington: Indiana University Press, 2010); Henning Grunwald, *Courtroom to Revolutionary Stage: Performance and Ideology in Weimar Political Trials* (Oxford: Oxford University Press, 2012); and Ananda Breed, *Performing the Nation: Genocide, Justice, Reconciliation* (London: Seagull Books, 2014), the last of which is a valuable study of post-genocide Rwanda.