

## **Making Sense of Non-Revolutionary Violence: Some Lessons from the Rwandan Genocide**

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We have just ended a century replete with violence. It was a century possibly more violent than any other in recorded history. Many who reflect on this blood-soaked century tend to distinguish between two kinds of violence: violence which makes sense, and violence which does not; violence which is illuminated paradigmatically and violence which is not; violence which fits, and violence which does not.

The former takes on meaning and seems human, even if its expanse is staggering – as in world wars, in colonial wars and anti-colonial revolutions; indeed, in revolutions and counter-revolutions. But the violence which does not fit existing paradigms – violence which is neither revolutionary nor counter-revolutionary, but simply non-revolutionary – seems devoid of meaning. It turns into a question mark against the very humanity of its perpetrators.

What do I mean by non-revolutionary violence? I mean by it a kind of violence in which different groups of more or less equally impoverished and disempowered people are pitted against each other. Fanon called such people the wretched of the earth. When the wretched of the earth divide into contending groups that take it out on one another, that violence is non-revolutionary. When the battle lines are not defined by wealth and poverty, but by a difference that is not economic, such as religion or ethnicity or race, the violence it gives rise to is non-revolutionary. Antonio Gramsci, another progressive thinker of the 20<sup>th</sup> century, spoke of the wretched of the earth as the subalterns, those who are subject to commands, and take orders. The focus on the agency of the subaltern, the wretched of the earth, has given rise to an entire school of history in South Asia, called Subaltern Studies. My concern in this talk is the violence that pits subaltern groups against each other.

How do we explain this type of violence? This non-revolutionary violence? One explanation is already on offer. If revolutionary or counter-revolutionary violence is said to arise from market-based identities, setting market-based identities such as class into motion, then non-revolutionary violence is said to be an outcome of cultural difference. On a world scale, it is called a clash of civilizations, to cite the title of Samuel Huntington's recent book; on a local scale, that is, when it does not cross the boundary between the west and the non-west, it is called ethnic or communal conflict.

I want to suggest a different way of understanding this kind of violence. If revolutionary violence is about the pursuit of economic justice, then non-revolutionary violence is about the pursuit of political justice. If the struggle for economic justice is animated by market-based distinctions, I will argue that the struggle for political justice is animated by state-based distinctions. Like revolutionary violence, non-revolutionary violence too arises from group distinctions – except that these distinctions are not market-based, nor are they cultural. They are explicitly political. Political identifications are enforced by the state. The modern state enforces political identities as legal identities. This is indeed what distinguishes political from cultural identities. Once enforced through the mechanism of the law, political identities are non-consensual and exclusionary, whereas cultural identity may be consensual and multiple.

### **Political and Cultural Identities**

To understand how political identities may be defined through the force of law, let me give you an African example. Take an example from an indirect rule colony, like Uganda or Tanganyika, or apartheid South Africa. The colonial census classified the population into two broad, overall, groups. One group was called races; the other was called tribes or ethnic groups. This single distinction illuminates the technology of colonial rule in its final phase, that of 20<sup>th</sup> century colonialism referred to as indirect rule in history books. Let me make a number of observations, five to be exact, to illustrate this technology of rule.

*First*, let me begin with a question. The census tags some groups as races and others as tribes (colonial) or ethnic groups (post-colonial). Why? If you look at the data

long enough, you will realize that the distinction is made to separate natives from non-natives. Non-natives are tagged as races; natives are said to belong to tribes. The simple claim is that races – described as Whites, Asians, Arabs – are all those not indigenous to Africa, whereas tribes or ethnic groups are all those defined as indigenous or local in origin.

**Second**, this distinction has a direct legal significance. All races were governed under a single law, civil law. But this was not true of tribes. Each tribe was ruled under a separate set of laws, called customary laws.

It was said that each tribe was governed by a law that reflected its own tradition. Yet, most would agree that the cultural difference between races – such as Whites, Asians and Arabs – was greater than that between tribes. To begin with, different races spoke languages that were not only different but also mutually not intelligible. Often, they practiced different religions and came from different parts of the world, each with its own historical archive. In contrast, different tribes spoke languages, which were often mutually intelligible, being a part of the same family of languages.

My point is that even if *races* were as different culturally as whites, Asians and Arabs, they were ruled under a single law, based on an imported European law, called civil law. But even if their languages were similar and mutually intelligible, *ethnic groups* were governed under separate sets of laws, called ‘customary’ laws, administered by ethnically distinct native authorities.

With *races*, cultural difference was not translated into separate legal systems. Instead, cultural difference was contained, even negotiated, within a single legal system, enforced by a single administrative authority. But with *ethnicities*, the case was the opposite: cultural difference was reinforced, indeed exaggerated, built up into different legal systems and, indeed, separate administrative and political authorities. In a nutshell, different races were meant to have a common future; different ethnicities were not.

*Third*, the two legal systems were entirely different in orientation. We can understand the difference by contrasting the claims embodied in English common law with those in colonial customary law.

English common law claimed to change with circumstances. It claimed to recognize different interests and interpretations. Customary law in the colonies assumed the opposite. It assumed that law must not change with changing circumstances. Rather, the assumption was that any change was considered as *prima facie* evidence of corruption. If civil law spoke the language of rights which it claimed to protect, then customary law spoke the language of culture which it claimed to enforce. It was not accidental that both the laws and the enforcing authorities were called ‘traditional’.

Indeed, the colonial preoccupation was less with ‘tradition’ than with ‘traditional authority’, less with defining ‘tradition’ than with locating and anointing ‘traditional authority’. Whatever the difference between local cases, ‘traditional authority’ was always defined in the singular. Even in colonies which never had a centralized state with a single legal authority and a single law over all social domains – but where separate authorities, such as that of women’s groups, age groups, religious groups, clans, defined parallel traditions in different domains of social life – colonial power identified a single authority as *the* traditional authority. Just as inevitable, this sole traditional authority was defined in the male gender.

The search for the traditional authority was central to the practice of indirect rule. Politically, it involved looking for a local elite that had legitimacy but lacked authority, so as to sanctify its point of view as customary and reinforce its authority, in law, as ‘traditional’. My point is that colonial powers were the first fundamentalists of the 20<sup>th</sup> century. They were the first to advance and put in practice two propositions: first, that every colonized group has an original and pure tradition, whether religious or ethnic; second, that every colonized group must be made to return to that original condition, with the return enforced by law. Put together, these two propositions constitute the basic platform of every religious or ethnic fundamentalism in the postcolonial world.

Here is my *fourth* observation. The legal project needs to be understood as part of a larger political project. The political project was highlighted by the central claim of the indirect rule state that the native identity is by nature tribal, the reason why African colonies were said to have no majority, only tribal minorities. My point is that this claim needs to be understood as political, not because it is not true, but because this truth does not reflect an original fact, but a historical fact created politically and enforced legally. It is a fact institutionally and legally undergirded by a particularly form of the state.

Let me elaborate. I am not arguing that ethnicity did not exist in African societies prior to colonialism. It did, but as a cultural identity. We need to distinguish between three different claims to ethnic identity: as a *cultural* identity, a *biological* identity, and a *political* identity. Before colonialism, ethnicity existed as a cultural identity: every ethnic group had ways of absorbing strangers. You could become a Muganda or a Yoruba. Colonial ideologues like Sir Henry Maine and Lugard denied the historical and cultural nature of ethnicity. Instead, they claimed ethnicity to be a non-historical biological identity, a natural way of being of a primitive society. On these theoretical foundations, colonial power built a legal-administrative edifice. It framed customary law as ethnic, and created an ethnic administrative authority to enforce this law. It thus enforced ethnicity as a legal and political identity.

This takes me to my *fifth* observation. When law imposes a cultural difference, that difference becomes reified. Prevented from changing, it becomes frozen. When this difference is turned into a basis for legal discrimination – between those who are said to belong ethnically and those who are said not to belong, between insiders entitled to customary rights and outsiders deprived of these rights – these culturally symbolic differences become political.

To make a distinction between cultural and political identities is to recognize that when cultural identities cease to be voluntary and are enforced by law, they both become reified and get turned into the basis of legal discrimination. Cultural identity, which is legally enforced, and thereby turned into a legal and a political identity, cannot be understood as a vestige of tradition. This is also why it cannot be dismissed as an arbitrary invention of the colonial power. Rather, this legal and political identity

is crafted out of the raw material of tradition by colonial modernity. Though a product of the historical encounter between western modernity and African tradition, we need to be clear that this was not an innocent encounter on leveled playing fields, but a political encounter mediated by colonial power.

My quest is neither to embrace nor to dismiss the subaltern identity, but to problematize it. I mean to sound a warning bell for those of us tempted to embrace ethnic or any subaltern identity as a vehicle of progress. To make this point, I shall elaborate on indirect rule and the modern state.

### **Problematizing the Subaltern**

The modern state stands up to time by giving itself both a past and a future, both history and laws. Between the two quests, there is a connection. The modern state seeks to define the future through *laws* which define group identities, and which are enforced on individual subjects, thereby institutionalizing a group life. At the same time, the modern state provides these same identities a past through *history*.

Between history writing and law making, there is a strategic alliance. Law identifies agency in history. It defines two kinds of subjects: both those dominant and those subaltern. The history of the modern state, of its colonial project can be traced with a preoccupation with shaping the preferences of the dominant strata to a far more ambitious project whose object was to shape subaltern preferences. The shift from one to the other is known in conventional history as a shift from direct to indirect rule. Direct rule was elite-focused and aimed to create native clones of Western modernity through a discourse on civilization and assimilation. In contrast, the political project of indirect rule was far more ambitious. Indirect rule spoke the language of custom; it aimed both to shape native agency as ethnic and to reorganize authoritarian strands in native culture as ethnic before harnessing them to the colonial political project. By tapping native passions and cultures selectively, it aimed to pit these very passions and cultures against one another. I have written of this in a book called *Citizen and Subject*, and so will not go into detail here.

Theoretically, the experience of indirect rule should alert us to the relationship between culture and politics, identity and power, thus distinguishing between cultural and political identity – particularly when the raw material of political identity is drawn from the domain of culture, as in ethnic or religious identity. To make the distinction between cultural and political identity, I suggest we historicize political identity by linking it to political power. It will help underline the fact that all political identities are historically transitory and require a particular form of the state to be reproduced. Whether religious, or racial or ethnic, all subaltern identities have a history: that history is framed by the state, in our context, colonial and postcolonial.

To acknowledge that the subaltern perspective has a history is to recognize that the subaltern perspective is born of a relationship, immediately that between the subaltern and the sergeant. Let me take an example from the domain of the economy. Lenin once argued that the labour-capital relationship can generate no more than a trade union consciousness, a consciousness that will feed no more than a demand for a better payment, or an aspiration to become an employer, so that only a view from outside the labour-capital relationship can subvert it. The broader lesson is that every subaltern perspective is locked into the narrow parameters of the relations of subjugation that generate and sustain it. Left to itself, it is likely to generate no more than an aspiration for trading places, for hegemonic aspirations. This is why the subaltern perspective or identity can neither be embraced nor rejected unconditionally, why the subaltern needs to be problematized.

Precisely because the subaltern agency can be tapped to contradictory political projects, it can be a vehicle for emancipatory or authoritarian projects. If the great intellectual contribution of subaltern studies was to rescue the subaltern from the status of being a victim in world history, by illuminating the subaltern also as an agent in history, this needs to be seen as no more than a necessary first step. The next step, I suggest, is to historicize this agency, to accept that subalternity too is under-girded by particular institutions. To accept the time-bound nature of subalternity is, in turn, the first step to subverting it.

Lenin once chided Rosa Luxembourgh with being so preoccupied with Polish nationalism as an enemy that she could not see beyond it. He thought she risked

being locked in the world of the rat and the cat. For the rat, there is no animal bigger than a cat: no lion, no tiger, and no elephant. None matter when the cat is present. And for the cat, there is none more delicious than the rat.

The political world set in motion by the modern state and modern colonialism generates subaltern identities endlessly, in binary pairs. For every sergeant, there is a subaltern, for every cat a rat, and for every settler a native. In a world where cats are few and rats many, one way for cats to stabilize rule is to tag rats by tapping their own historicity, through a discourse on origins, indigenous and non-indigenous, ethnic and racial. Under indirect rule, cats did tag rats, some as subordinate races and others as distinct ethnic groups. This is why in a world where rats have belled cats, it is entirely possible that rats may still carry on living in the world as defined by cats, fired by the very identities generated by institutions created in the era of cats. My point is that you can turn the world upside down, and still fail to change it. To change the world, we need to break out of the worldview of not only the cat, but also the rat, not only the settler but also the native. Unless we can break out of the worldview of the rat, postcolonialism will remain a purgatory punctuated by non-revolutionary violence. More than any other contemporary event, the genocide in Rwanda poses this dilemma, more sharply than ever.

### **The Rwanda Genocide**

The Rwanda genocide is the quintessential example of non-revolutionary violence in postcolonial Africa. Rwanda is today a metaphor for political violence, particularly for senseless violence in politics. I just wrote a book on Rwanda, called *When Victims Become Killers*. Here, I would like to reflect on the intellectual and political journey that came to be the writing of the book.

Books and articles on the Rwandan genocide reflect two different preoccupations. The first is preponderant in the academy, the second in the world of journalism. Academic writings are dominated by authors – such as Catharine and David Newbury and René Lemarchand – whose intellectual perspective was shaped by a sympathy with the Rwandan Revolution of 1959. They saw political violence as progressive, ushering in a more popular political and social order. Unable to grasp the link

between the 1959 Revolution and the 1994 genocide, this kind of academic writing portrays the genocide as exclusively or mainly a state project. Its singular failing is an inability to come to terms with the genocide as a social project. Even if organized by the state, the genocide was propelled by the agency of hundreds of thousands of ordinary people. How does one explain the perversely ‘popular’ character of the violence that propelled the genocide?

In contrast, journalistic writing focuses on precisely this aspect of the genocide. It dwells on the pornography of violence. As in any pornography, the nakedness is always of others, not us. The exposure of the other goes alongside the unstated claim that we are not like them. In the pornographic writing on the Rwandan genocide, senseless violence is seen as a feature of other people’s cultures, where they are violent, unlike us who are pacific, where a focus on their debasedness is just another way of confirming and celebrating our exalted status. The journalistic writing gives us a simple moral world, where a group of perpetrators face another group of victims, but where neither history nor motivation are thinkable because both stand outside history and context.<sup>1</sup>

When faced with the perversely popular violence of the Rwandan genocide some seven years ago, in 1994, I thought this single fact set the Rwandan genocide apart from the Holocaust, the event that has come to be paradigmatic of genocide in contemporary times. Those familiar with Holocaust studies will know that the Holocaust was for a long time understood as mainly, or even wholly, a state project. The slogan then popular in Holocaust Studies was: No Hitler, No Holocaust.

In the study of the Rwandan genocide, too, those who have tried to run away from its perversely popular character have presented it as exclusively a state project. Yet, this claim is not easy to convince. The massacres in the Rwandan genocide were carried out in the open. Roughly 800,000 Tutsi were killed in a hundred days. The killing was done by machete-wielding mobs. The state organized the killings, but the killers were by and large ordinary people. You were killed by your neighbour, by

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<sup>1</sup> A secondary perspective in academic writing shares this moral simplicity. Reading all history in light of the genocide, it is unable to appreciate the historical legitimacy of the 1959 Revolution; it offers no more than a caricature of the Revolution. This tendency is exemplified by Gérard Prunier.

workmates, by teachers or doctors or priests, even by human rights advocates, or by your own husband. Four civilians stood trial for crimes against humanity in Belgium a few months ago; they included two nuns and a physicist.

When journalists did address the genocide as a social project, I thought they failed to understand the forces that shaped the agency of the perpetrator. To begin with, they looked for a clear and uncomplicated moral in the story. In a context where victims and perpetrators have traded places, they looked for victims distinguished from perpetrators for all time. Where yesterday's victims are today's perpetrators, where victims have turned perpetrators, this attempt to find an African Holocaust has not worked. Thus I called my book: *When Victims Become Killers*.

How many perpetrators were victims of yesteryears? What happens when yesterday's victims act out of a determination that they must never again be victimized, never again? When they act out of a conviction that power is the only guarantee against continued victimhood? When they are convinced that the taking of life is really noble because it signifies the willingness to risk one's own life and is thus, in the final analysis, proof of one's own humanity?

Hegel once said that the difference between humans and animals is that we humans are willing to give life for a reason we consider higher than life. He should have added: that humans are also willing to take life for a reason we consider higher than life. I thought it important to understand the humanity of the perpetrator; as it were, to get under the skin of the perpetrator. Not to excuse the perpetrator, and the killing, but to make the act 'thinkable'. To learn something about us humans. How do we understand the agency of the perpetrator? Framed by which history? Kept alive, reproduced, by which institutions? Who did the Hutu who kill think they were? And who did they think they were killing in the person of the Tutsi?

In spite of my first thought, that the Rwandan genocide was unlike the Holocaust, I began by exploring writings that highlighted the agency the Holocaust unleashed. In the corpus of writing on the Holocaust, one writer stands apart. This is Hanna Arendt. She is different in one way. Rather than talk of the uniqueness of the Holocaust, she insisted that genocide has a history, and insisted on locating the Holocaust within that

history. The history Hanna Arendt sketched was that of the settler genocide of the native. She sketched the history of imperialism, particularly of twin institutions: racism in South Africa, and scientific bureaucracy in India and Algeria.

The first genocide of the 20<sup>th</sup> century was, after all, the German annihilation of the Harero people. The German geneticist, Eugene Fischer, did his first medical experiments on the 'science' of race-mixing in concentration camps for the Harero. His subjects were both Harero and mulatto off springs of Harero women and German men. Fischer argued that Harero 'mulattos' were physically and mentally inferior to their German parents. Hitler read Fischer's book, *The Principle of Human Heredity and Race Science* (1921) while in prison. The Fuhrer later made Fischer rector of the University of Berlin, where he taught medicine. One of his prominent students was Joseph Mengele, who would run the gas chambers at Auschwitz.

The Holocaust, Hanna Arendt seemed to say, was the imperial chickens coming home. But did Germans really think of themselves as settlers killing Jews as natives? Or, more likely, did they think of themselves as natives and Jews as settlers? Yet, Hanna Arendt was right in her broad argument. She had identified the link between the genocide of the Harero and the Holocaust: race-branding. Race-branding, whereby it is possible not only to set a group apart as an enemy, but also to annihilate it with an easy conscience. To understand the mindset that conceived the Holocaust, one would have to return to identities crafted by modern imperialism, the settler and the native. Hanna Arendt focused on the agency of the settler, but not on the agency of the native.

My point is that it is not just the settler, but the native too, who is a product of the imperial imagination. Both identities are framed by a common history. Both remain postcolonial identities. Unless they are sublated together, they will get reproduced together. Hanna Arendt had sketched half a history, that of the settler annihilation of the native. To glimpse how this could trigger a counter-tendency, the native impulse to annihilate the settler, one has to turn to Fanon. It is in Fanon that one finds the premonition of the native turned perpetrator, of the native who kills not just to extinguish the humanity of the other, but to defend his own, and of the moral ambivalence this must provoke in other human beings like you and me.

Although the extermination of the colonizers by natives never came to pass, it often hovered on the horizon as a historical possibility. No one understood the genocidal impulse better than Frantz Fanon, the Martinican-born psychoanalyst and Algerian freedom fighter. Native violence, he insisted, was the violence of yesterday's victims. It was the violence of those who had cast aside their victimhood to become masters of their own lives.

Listen to Fanon's words on the nature of native violence: "He of whom they never stopped saying that the only language he understands is that of force, decides to give utterance by force. ... The argument the native chooses has been furnished by the settler, and by an ironic turning of the tables it is the native who now affirms that the colonialist understands nothing but force." The proof of the native's humanity for Fanon consisted not in the willingness to kill settlers, but in the willingness to risk his or her own life. "The colonized man," he wrote, "finds his freedom in and through violence." If the outcome was death, natives killing settlers, that was still a derivative outcome.

The significance of Fanon became clear to me as I tried to understand the history of political violence in Rwanda; specifically, of violence between Hutu and Tutsi. I was struck by a single fact: before the Revolution of 1959, I could not find any significant episode of violent group conflict where battle lines were drawn between one group identified as Hutu and the other as Tutsi. 1959 was the first significant episode that pit Hutu against Tutsi, so that Hutu and Tutsi became names identifying political adversaries.

I thought this contrasted sharply with earlier political struggles, such as the Nyabingi revolt at the outset of the colonial period. Nyabingi was the name of a spiritual cult, also a political movement, in what is today northern Rwanda. Nyabingi exploded when this northern part was incorporated into the expanding kingdom of Rwanda at the turn of the 19<sup>th</sup> century.

I thought two facts striking about this movement. *First*, when the Bakiga – which is what the people who lived in this area were called – fought the alliance of German

imperial power and the Tutsi aristocracy of the Rwanda kingdom, they did not fight as Hutu against Tutsi. They fought the Tutsi in power, but in alliance with the Tutsi out of power. Indeed, they fought under the leadership of the de-throned Tutsi queen, Muhumuza. Second, these mountain people did not call themselves Hutu, but bakiga. Only when they were defeated and incorporated into the Rwanda kingdom did they cease to be Bakiga, and become Hutu. For Hutu was not the identity of a discrete ethnic group. Hutu was the political identity of all those subjugated to the power of the Rwandan state.

Not only was Hutu was some kind of a residual political identity of the powerless, I realized that Hutu was never really sealed from the identity called Tutsi before Belgian colonialism appeared on the scene. Prosperous Hutu became Tutsi, over generations, in numbers too few to be statistically significant, and yet signifying a process of great social and ideological significance. This process of ritual ennoblement, whereby a Hutu shed his Hutuness even had a name, *Kwihutura*. Its counterpart, whereby an impoverished Tutsi family lost its status, this too over generations, was called *Gucupira*.

Belgian colonialism did not invent Tutsi privilege. There was Tutsi privilege before Belgian colonialism. What Belgian colonialism did invent was the justification for Tutsi privilege, but the justification for it. This justification involved a claim never before made in the history of Rwanda. Belgian colonialism identified Hutu and Tutsi as two different groups, one indigenous, the other alien. For the first time, Tutsi privilege was claimed as the privilege of an alien group, a group identified as Hamitic, as racially alien. Hutu and Tutsi were not just names of two different ethnic groups, both indigenous but marked by a cultural difference. Instead, these names were now said to identify different races, the Hutu indigenous and the Tutsi non-indigenous, the Hutu degraded as native and the Tutsi exalted as alien. As Belgian authorities issued identification cards to Hutu and Tutsi, Tutsi became sealed from Hutu. Legally identified as two biologically distinct races, Tutsi as Hamites and Hutu as Bantu, Hutu and Tutsi became legal and political identities.

The language of race functioned to underline this difference between indigenous and alien. The point will become clear if we return to the difference between race and

ethnicity in 20<sup>th</sup> century colonial thought. Recall that only natives were classified as ethnic group, tribes, in colonial Africa. Non-natives, those not considered indigenous, were said not to have a tribal identity. Non-natives were tagged as races. Tribes were neighbours; races were alien.

This distinction should illuminate for us the difference between ethnic and racial violence. Ethnic violence is between neighbours. It is about borders, about transgression across borders, about excess. In the conflict between neighbours, the legitimacy of the presence of others is not at issue. At issue is an overflow, a transgression. It is only with race that the very presence of others can be considered as illegitimate, its claim for power seen as an outright usurpation. When political violence takes the form of a genocide, it is more likely between races, not between ethnic groups.

More than just another way of defining insiders and outsiders, the language of race set apart those indigenous from those alien. Ultimately, it differentiated neighbours from outsiders, and friends from enemies. The racialization of the Tutsi, and of the difference between Hutu and Tutsi, is key to understanding the nature of political violence between Hutu and Tutsi.

If the claim that Hutu and Tutsi were different races had remained only a colonial assertion, it would not have affected the future of Rwanda as deeply and tragically as has been the case. The dilemma we must confront is that race-branding was not simply a state ideology; it became a social ideology, accepted by many of the same Tutsi and Hutu who had been branded, one alien, the other native. If colonialism is the origin of the Hutu and Tutsi as racialized political identities, nationalism inflamed these identities in the name of justice.

Rwanda had a revolution in 1959. The Revolution was heralded as the 'Hutu Revolution'. After 1959, revolutionaries sought to build Rwanda as a 'Hutu nation'. The revolutionaries embarked on a program of justice: justice for Hutu, and a reckoning for Tutsi. And in so doing, they confirmed Hutu and Tutsi as political identities: Hutu as native, and Tutsi as alien. Instead of transforming the political world created by colonialism, the world of natives and settlers, they confirmed it. The

Revolutionaries turned the world upside down, but they failed to change it. The pursuit of justice turned into revenge.

Here then is the broader question we must face: In what ways did nationalism build on the colonial political edifice, instead of transforming that edifice?

### **Colonial Power and the Native Imagination**

At this point, I would like to take leave of Rwanda for South Africa and other indirect rule colonies on the African continent. In Rwanda, the census listed only ‘races’, never ‘tribes’. In South Africa, as in other indirect rule colonies, the native population was administratively separated between different ethnic groups, each governed under separate sets of laws, also ethnically-defined and said to be ‘customary’. My question is: What lessons can the Rwandan backdrop offer for indirect rule Africa, an experience in which I include apartheid?

Postcolonial Rwanda turned the pursuit of justice into revenge. In the process, racialized political identities inherited from colonial rule, instead of transforming them. The lesson is not that the struggle for justice be abandoned in the name of ‘reconciliation’. It is, rather, that the struggle for justice and the building of a common political community be defined as two complementary, and not contradictory, goals. The challenge is to reconcile the struggle for justice with the need to create a single citizenship.

Indirect rule colonies face a dual challenge to creating a single citizenship: de-racialization and de-ethnicization. If the last decade shows plenty of evidence that the South African political elite has wrestled with the challenge of de-racializing citizenship, that same decade offers little evidence of this same leadership seeking to de-ethnicize citizenship. Instead of dismantling the ethnic legal and administrative edifice, that of customary law and native authority, there is a strong tendency to call for its conservation and even consecration in the name of custom.

I have argued that we need to distinguish ethnicity as a cultural identity from ethnicity as a political and legal identity. As cultural identity, ethnicity allows for multiple,

changing and even hybrid claims. Whether ethnic or religious, cultural identity is consensual and subject to change of allegiance. Cultural leadership is voluntarily acknowledged; such acknowledgement can not be coerced. Cultural authority is moral, not legal. In contrast, ethnicity as political identity is fixed and singular, not changing and multiple. Underlying the notion of a fixed and single ethnic identity is the presumption that ethnicity is a biological fact that must be enforced by law for each of us to be true to our original group nature. But as a legal and political identity, ethnicity is non-consensual. As legally enforced administrative and political power, ethnic power was a key pillar of indirect rule, including apartheid. To defend that power in the name of defending native culture and custom is to confuse cultural with political identity. It is to harness a particular understanding of culture to buttress an authoritarian political project.

The broad challenge I have tried to address is that of decolonization, both political and intellectual. How do we understand the phenomenon of decolonizing the state politically? Anti-colonial revolutionaries used to contrast two opposed modes of decolonization, one involving taking over the colonial state, the other dismantling it. In some rhetorical versions, the process of dismantling was referred to as that of smashing the colonial state. As in the language, the accent was on the mode of struggle, armed or unarmed, violent or peaceful. Dismantling the state referred to dismantling the *armed* apparatus of the state.

I am proposing a radically different understanding of decolonizing the colonial state, one aimed at dismantling the legal edifice built by colonialism. In the context of indirect rule Africa, this would involve both de-racializing civil law and de-ethnicizing customary law. Post-apartheid South Africa has embarked on the road to de-racialising civil law, but not that of de-ethnicizing customary law. Instead, many who had only yesterday argued that ‘customary’ law and ‘customary’ authority were a product of a colonial taming of pre-colonial institutions now defend these very institutions as testament to ‘traditional’ Africa. In its reluctance to address the ethnic legacy of apartheid, contemporary South Africa is following the path treaded by several indirect rule colonies on the continent, such as postcolonial Nigeria, Kenya and Sierra Leone. Without joining the project to de-racialize civil law with a parallel project to de-ethnicize customary law, however, South Africa cannot create a single

citizenship. Even if inadvertently, this downplaying of the ethnic legacy of apartheid will reproduce two spheres in South African society, one governed by a de-racializing civil law, speaking the language of rights, but the other governed by an ethnically-framed 'customary' law, speaking the language of custom. If post-apartheid South Africa continues along this path, will it be an exaggeration to say that it will have reproduced a reformed, nonracial version of apartheid?

The intellectual heritage of apartheid and indirect rule goes hand in hand with its legal heritage. Colonial power not only shaped the agency of the subaltern. It was also stamped on the agency of intellectuals. Colonial power was not only etched on the boundaries of the public sphere; it was also imprinted on the margins of scholarly works. Just as it set into motion, first the settler and then the native, in the public sphere, so colonial power preoccupied the intellectual imagination with the question of origins. When it came to understanding the meaning of origin, even anti-colonial intellectuals took their cue from the language of power.

Perhaps the largest challenge of all is that of intellectual decolonization. Can the very vision with which we came to fathom our past be adequate to forge a future radically different from that past? Can we afford to scan the future with the very lenses crafted in the past? I have argued that the project of the modern state highlights the relationship between law and history-writing, so that the very group identities inscribed in law appear as subjects of history. In the apartheid era, historians gave us not only 'nationalist' histories of races, but also ethnic histories of tribes. One wonders how much of this will change in post-apartheid South Africa. Where 'customary' law continues to enforce both an authoritarian version of ethnic tradition and ethnic identity as the basis of group life, should it be surprising if intellectuals continue to excavate an ethnic past for ethnic constituencies? The challenge of reform is how to make sure that law and history-writing do not give us an authoritarian ethnic future yet again.

The Rwandan genocide, also known as the genocide against the Tutsi, was a mass slaughter of Tutsi, Twa, and moderate Hutu in Rwanda, which took place between 7 April and 15 July 1994 during the Rwandan Civil War. In 1990, the Rwandan Patriotic Front (RPF), a rebel group composed of Tutsi refugees, invaded northern Rwanda from their base in Uganda, initiating the Rwandan Civil War. Neither side was able to gain a decisive advantage in the war and Juvénal Habyarimana's eventually signed the August 1993