

LAWFARE

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Abstract

In 1994, the landlocked, impoverished country of Rwanda was the site of genocide. Incited by elements within their government, Hutu soldiers, militia, and ordinary peasants roamed the countryside for three months with the intent to destroy, in whole or in part, the Tutsi ethnic group, as such. In 2002, the then Government of National Unity—led by the Rwandan Patriotic Front (RPF)—formed so-called *gacaca* jurisdictions in an attempt to come to terms with all but the most serious crimes committed in the course of the 1994 genocide. By focusing on the invention of the *gacaca* jurisdictions, I am analyzing the making of *lawfare*, what Jeremy Bentham called “an irregular system of warfare.” My focus is on the rule of law as a political weapon. Based on archival and observational field research, I explain why, and how, Rwanda’s extraordinary experiment in transitional justice turned into an experience of transitional *in*justice, which resurrected, in more ways than one, the specter of genocide. Although my analysis of legal contention is concerned with the case of Rwanda, my findings are relevant beyond this single case.