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Editors' Introduction

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Editors' Introduction

In this general issue of *Genocide Studies and Prevention*, the editors are pleased to present a diverse collection of articles. These include a critical examination of the issue of intent in the punishment of genocide and an assessment of the effectiveness of the United Nations Office of the Special Adviser on the Prevention of Genocide. Two articles consider justice in Rwanda, one advocating the wider application of restorative justice approaches and the other examining the construction of memory within the context of transitional justice. The final two articles explore the use of testimonials in teaching about genocide, and the manner in which the Armenian genocide was perceived in Sweden.

In "The Issue of Intent in the Genocide Convention and its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach," Katherine Goldsmith challenges the prevailing and restrictive definition of genocidal intent, defined as *dolus specialis*, or clear, specific, and explicit intent. She argues that such an approach mitigates efforts to both prevent and punish genocide. In addition, based on her examination of Raphael Lemkin's writings and of documents concerning the framing of the United Nations Genocide Convention, she maintains that such a restrictive approach was never the aim of either Lemkin or the drafters of the Convention. To restore the concept of intent to what she argues was originally envisioned, Goldsmith advocates a knowledge-based approach that is centered more on inference from actions than on specific statements from perpetrators. Under this approach, an individual who commits an illegal act with the knowledge that it forms part of a larger plan to destroy a group would be guilty of genocide. Such an approach, she contends, would facilitate convictions for genocide, serve as a deterrent to those who would otherwise engage in such acts, and realign the interpretation of intent with the original views of both Lemkin and the framers of the Convention.

Aidan Hehir explores the efficacy of the United Nations office that is responsible for detecting and preventing genocide in "An Analysis of Perspectives on the Office of the Special Adviser on the Prevention of Genocide." Hehir highlights the political and diplomatic dynamics that shape and limit the utility of the office. Some of these strained dynamics are within the United Nations itself, from which the Special Adviser obtains most of his information. In practice, this has often been difficult, as various offices are sometimes reluctant to provide information, often for reasons of bureaucratic territoriality. In addition, the Special Adviser can only make public statements with the support and approval of the Secretary-General. To the problematic issues of bureaucracy and institutional politics is added the inherently difficult, and somewhat paradoxical, nature of the Special Adviser's work. Success is hard to evaluate as the office is oriented toward preventing events from happening. In addition, the focus on a low-key diplomatic approach often results in recommendations that are not recorded, or heeded. Hehir concludes that the Office would be more effective with a more aggressive and public approach to preventing genocide, and he calls for the Special Adviser to have the right to address the Security Council. Important as these recommendations are, they would not solve the many problems facing

the Special Adviser, such as bureaucratic intransigence, unwillingness of nations to exercise political will, and the inherently advisory nature of the Office.

In "Reconciliation and Justice after Genocide: A Theoretical Exploration," Geneviève Parent challenges the primacy and efficacy of retributive justice in post-genocide contexts. Using Rwanda as an example, she argues that punitive justice, and especially the *gacaca* courts, provide little more than the illusion of either justice or a victim's psychological healing. Instead, their adversarial nature not only reinforces and perpetuates historic divisions and animosities, but also further victimizes those who have suffered loss. The situation is further complicated by ambiguities concerning victim/perpetrator status, most pronounced among those of mixed ancestry. In lieu of punitive justice, Parent advocates the application of restorative justice, where, on the basis of an acknowledgment of suffering, all parties endeavor to view events and conditions from the other's perspective and generate momentum toward mutual understanding and, ultimately, forgiveness and cooperation. These goals reflect the social and psychological emphases of restorative justice, and its ultimate aim of restoring the humanity of all those involved in genocidal conflicts.

Elisabeth King, in "Memory Controversies in Post-Genocide Rwanda: Implications for Peacebuilding," focuses on the context in which transitional justice takes place, and specifically the construction of memory about the Rwandan genocide. Based on her extensive field interviews, she contrasts the diversity of survivors' accounts and experiences with the much more constricted presentation of memory by the government in the Kigali Memorial Center and in school textbooks. Seeking to bolster government legitimacy, Hutu accounts of victimhood, and of heroic actions of Hutus saving Tutsis are almost entirely excluded from the official memory. Similarly, Tutsi experiences of conscription into then-rebel forces and the predicament of those of mixed ancestry are also denied recognition. While such selective perception and construction of historical memory reinforces government legitimacy, at least in the short term, King argues that it undermines the longer process of reconstructing the social fabric of the nation by failing to acknowledge the diversity of experiences and suffering during the genocide.

The efficacy of using first-hand accounts to teach about rape-as-genocide is explored by Kimberley Ducey in "Dilemmas of Teaching the 'Greatest Silence': Rape-as-Genocide in Rwanda, Darfur, and Congo." The section of her class that focuses on this topic is situated in the context of an upper-level undergraduate sociology course on comparative genocide. The unit on rape-as-genocide is theoretically framed in terms of the causes and effects of violence against women, and informed by an examination of the international law aspects of rape-as-genocide. It is within this context that Ducey introduces first-hand accounts, through testimonials, documentaries, and commentaries. The article offers testimonials by students that underscores the importance and impact of including the personal dimension of victims in the study of genocide. By doing so, students relate to and emphasize the individual dimension, thus adding a level of comprehension that goes well beyond statistics and facts. Readers who include or are considering including a course component on rape-as-genocide will find this article useful in terms of sources and structure.

Finally, in "The Armenian Genocide of 1915 from a Neutral Small State's Perspective: Sweden," Vahagn Avedian explores how the Swedish people and government perceived the Armenian genocide. While newspaper and missionary accounts offered differing and often competing perspectives and framed popular perceptions of events, dispatches from military and diplomatic sources further informed government officials. Unlike newspaper reports, which were generally second-hand information,

missionary, military, and diplomatic accounts came directly from the field and, as a result, are important primary sources and cover a considerable time frame. Ironically, although Sweden's neutrality enabled it to gather and disseminate important information on the genocide, it also eliminated the possibility of government action on behalf of the victims. The nature of official correspondence also evolved over time. With the arrival in 1920 of a new Swedish envoy to Turkey, Gustaf Oskar Wallenberg, the emphasis shifted from the humanitarian focus of his predecessor, Per Gustaf August Cosswa Anckarsvärd, to one centered on future commercial opportunities. With this, the sympathy for the victims of the genocide evidenced by Ambassador Anckarsvärd was eclipsed by a current of Armenian denigration. Not only does this study offer a new perspective on the Armenian genocide, it also implicitly raises the question of the limits of the value of neutrality in the face of genocide.

We hope that this diverse collection of articles will both foster a better understanding of, and stimulate further debate concerning, genocide.

Nicholas Robins
Co-editor