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Aldo Zammit Borda
City, University of London

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Book Review: *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*

Aldo Zammit Borda
City, University of London
London, U.K.

Postgenocide: Interdisciplinary Reflections on the Effects of Genocide
Klejda Mulaj, ed.
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Reviewed by Aldo Zammit Borda
City, University of London

The volume *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, edited by Klejda Mulaj, presents a new and compelling analytical framework for theorizing genocide and its aftermath across twelve chapters and three interconnected and interdisciplinary themes. These include the law and responsibility for genocide; genocide denial and remembrance; and postgenocide identities, memory, and IR/reconciliation. This framework offers a path-breaking lens through which to critically rethink the study of genocide and address a number of overarching questions, including: how the law contributes to advancing genocide knowledge; how victim groups transition to a postgenocide society; what are the uses of genocide in a postgenocide setting; and how are genocide narratives constructed and contested in postgenocide settings.

Particularly since the 1990s, there has been a steady stream of literature seeking to understand and analyse genocide. Nevertheless, genocide has remained an event that “is difficult to understand, analyse, or write about.”¹ A significant portion of disciplinary studies on genocide engage only in limited ways with genocide studies in other disciplines. Moreover, in the available literature, the study of genocide is frequently undertaken in instrumental, strategic terms, often overlooking the capacity of genocidal violence for being a generative force, a mechanism for change.²

This volume makes an important contribution to knowledge of genocide scholarship by offering an approach for studying genocide and mass violence more broadly by expanding and complementing some of the existing approaches in terms of “processes, actors, identities, and narratives involved.”³ The chapters in this volume employ a variety of methodologies from law, politics, history, and social sciences.

So what is “postgenocide”? The volume opens with a very thorough introduction that unpacks the key themes of postgenocide, which is then further fleshed out in the contributing chapters. The postgenocide framework focuses on the transitional character of the events and processes in the aftermath of genocide. It implies a preoccupation with the transitional and pervasive impact of genocide on society. In line with an interconnected understanding of past and future, the “post” in postgenocide thus signifies not only the era “after” genocide came to an end, but the entire period following the inception of genocide. In that sense, Mulaj notes that

¹ Alexander Laban Hinton, ed., *Genocide: An Anthropological Reader*, 1st edition (Malden: Wiley-Blackwell, 2001), 1.

² Klejda Mulaj, “Introduction. Postgenocide: Living with Permutations of Genocide Harms,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 2.

³ *Ibid.*, 2.

postgenocide shares a certain affinity with “postcolonial.”⁴ Both frameworks are concerned with the continued *effects* of these phenomena in shaping realities of the affected societies.

While the postgenocide framework is primarily concerned with genocide—as the “crime of crimes”⁵—it also lends itself to studying mass violence more broadly. Mulaj acknowledges the controversies in international case law around establishing “hierarchies of crimes” with genocide at the apex.⁶ She notes that these controversies remain “active spaces” where the effects of genocide are felt in the postgenocide era.⁷ These controversies also show that there cannot always be a sharp divide between interpretations of genocide and crimes against humanity,⁸ particularly in face of contemporary challenges.

In this review, I only have the space to focus on some of the issues arising from the stimulating chapters of this volume. In light of my background as an international lawyer, my attention was particularly drawn to the theme of how the law contributes to advancing genocide knowledge.

The four chapters in Part 1 deal, *inter alia*, with the role of law in genocide. In his chapter, Kevin Aquilina explores the challenges of criminalizing State responsibility for genocide.⁹ The author develops a cogent argument for State *criminal* responsibility for genocide.¹⁰ He argues that the perpetration of genocide is often a crime of State, necessitating State support. As such, it “should not suffice to punish only a handful of responsible leaders and state officials.”¹¹ As the author also notes, however, the idea of State criminal responsibility was rejected by the International Law Commission in the drafting of the Articles on State Responsibility, and later by other international courts.¹² Nevertheless, the author provides compelling reasons for why this debate should be pursued and for holding “genocidal states liable not only for a civil wrongful act of genocide but, more importantly, for state criminal responsibility for genocide.”¹³

Several other chapters in this part shine a light on the strengths and deficiencies of law as an instrument in the toolkit of postgenocide responses. Christopher Soler’s chapter, for instance, focuses on justice for genocide by international(-ized) courts and tribunals. The author argues that international(-ized) prosecutions in response to genocide are “indispensable as a means to achieving (criminal) justice.”¹⁴ This thought-provoking chapter also raises several key questions related to the appropriate legal avenues for dealing with genocide and its aftermath. For instance, although with the establishment of the ad hoc Tribunals, international criminal law was driven by the ideal of international(-ized) justice, in contemporary practice, many limitations and critiques of this model have become apparent.¹⁵ In some cases, moreover, the focus of energy and resources on international(-ized) justice has undermined the pursuit of

⁴ *Ibid.*, 4.

⁵ See, for instance, William A. Schabas, *Genocide in International Law: The Crimes of Crimes* (Cambridge: Cambridge University Press, 2000).

⁶ Mulaj, *Introduction. Postgenocide*, 10.

⁷ *Ibid.*, 11.

⁸ *Ibid.*

⁹ Kevin Aquilina, “Challenges to Criminalising State Responsibility for Genocide,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 60.

¹⁰ *Ibid.*, 34.

¹¹ *Ibid.*, 60.

¹² Carsten Stahn, *A Critical Introduction to International Criminal Law* (Cambridge: Cambridge University Press, 2018), 120.

¹³ Aquilina, *Challenges to Criminalising*, 61.

¹⁴ Christopher Soler, “Postgenocide Justice? Assessing the Prosecution and Punishment of Genocide by Internationalized Courts and Tribunals,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 111.

¹⁵ Stahn, *A Critical Introduction to International Criminal Law*, 6–7.

more localized forms of justice favoured by victim-survivors.¹⁶ Soler recognises the move away from such international(-ized) justice, in recent practice, to alternative models of justice, such as “quasi-prosecutorial” models.¹⁷ A contemporary challenge of this broader justice architecture will be developing a system that draws on the individual strengths of these diverse fora and allows greater dialogue between their constituencies.

The three chapters in Part 2 focus on the theme of denial and remembrance. In her chapter, Tatevik Mnatsakanyan uses the Armenian genocide as a case study for exploring what genocide and genocide denial may reveal about “sovereignty,” “subjectivity,” and “violence.”¹⁸ The author argues that denials were not only integral to, but *generative* of, the Armenian genocide and this insight has implications for understanding postgenocide denials, and for beginning to imagine alternatives to current politics. Mnatsakanyan’s chapter offers a compelling example of how the postgenocide framework may be used to understand the continuing effects of genocide in postgenocide settings.

Similarly, in her chapter on (mis-)constructions of genocide in Bosnia, Mulaj argues that Bosnia's political community is fractured both from without, due to the denial of genocide by the Serbs, and from within, due to failures to fully recognize and address the needs of women and men violated in the course of genocide and war, and children born of rape.¹⁹ The contestation of genocide narratives has implications for the cohesion of the postgenocide community in Bosnia. Both Mnatsakanyan’s and Mulaj’s chapters raise important questions about how victim groups transition to a postgenocide society and the role (or absence) of courts in shrinking “the space for denial” of genocide.²⁰

Finally, the four chapters in Part 3 contribute to discourses of postgenocide identities, memories, and (ir-)reconciliation. In her chapter on personal objects from genocide in galleries, museums, and archives (GAMs), Martine Louise Hawkes demonstrates how the multiple purposes that the one same object will serve in its relationship to genocide are highly dependent on the narrative that a GAM wishes to transmit.²¹ The author distinguishes between affective objects or stolen/disconnected objects, and argues that in these objects we find an unbroken connection that has the potential to shift how we can share stories that help us understand the past.²²

In her chapter on rhetorical versus substantive reconciliation in the context of the cultural genocide in Canada, Maureen S. Hiebert posits that while reconciliation in Canada is under way, it has mainly focused on rhetorical/ideational issues while largely leaving aside or taking only very preliminary steps to address substantive/material policies that would produce a more thorough-going form of reconciliation.²³ In her incisive analysis, the author argues that the Canadian government and many non-indigenous Canadians have elected to pursue the

¹⁶ David Matyas et al., “What Justice for the Yazidi Genocide?: Voices from Below,” *Human Rights Quarterly* 42 (February 1, 2020), 2, accessed May 26, 2022, <https://doi.org/10.1353/hrq.2020.0000>.

¹⁷ Soler, *Postgenocide Justice?*, 108.

¹⁸ Tatevik Mnatsakanyan, “Sovereignty, Subjectivity, Denial: The Armenian Genocide, Generative Denials, and Postgenocide Politics in Contemporary Turkey,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 137.

¹⁹ Klejda Mulaj, “Constructions of Genocide Denial and Remembrance: Fractured National Identity in Postgenocide Bosnia,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 159.

²⁰ *Ibid.*, 167; Giovanni Bonello, *Histories of Malta - Confessions and Transgressions*, Vol. 9 (Fondazzjoni Patrimonju Malti, 2008), 193.

²¹ Martine Louise Hawkes, “Memory, Identity, and Possession: Personal Objects from Genocide in Galleries, Museums, and Archives,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 219.

²² *Ibid.*, 235.

²³ Maureen S. Hiebert, “Rhetorical versus Substantive Reconciliation After Cultural Genocide in Canada,” in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 256.

rhetorical aspects of postgenocide reconciliation because they are largely win-win.²⁴ Both Hawkes' and Hiebert's chapters employ the postgenocide frame to emphasize how, *inter alia*, genocide narratives are constructed and contested in postgenocide settings.

In the concluding chapter, Christopher P. Davey explores agendas for further postgenocide research, examining how contemporary challenges, at the intersection of the geopolitical order, warlordism, climate change and resource exploitation, might be framed through the lens of postgenocide.²⁵ His is not an attempt to broadly redefine genocide, but to emphasize an approach to studying the above challenges using a framework that takes seriously cross-cutting views on genocide. In so doing, however, Davey also brings to the fore the challenges of trying to ground contemporary challenges, such as climate violence, into legal definitions of genocide and conventional understandings of agency and intent. The author posits that "[a] crucial point has now also been reached where analysis need *not* be limited to the legalistic identification of intent at the expense of robust analysis of genocidal processes and their ensuing legal and other effects."²⁶ This assessment would indicate that, particularly in face of contemporary challenges, there cannot always be a sharp divide between interpretations of genocide and of mass violence more broadly.

In summary, this is an excellent volume that makes an innovative and valuable contribution to the available literature on genocide studies. In view of its interdisciplinary nature, it is well-suited for upper-undergraduate and graduate students in law, history, transitional justice and social sciences, as well as for policy-makers and others wishing to gain deeper knowledge about the nature and effects of genocidal violence. The postgenocide framework offers an interdisciplinary lens through which to frame violent processes, which can help leverage a qualitative and reflective approach to the problems of assessing such violence in the contemporary age.²⁷ One of the standout strengths of this framework is that it encourages sustained dialogue between restrictive legal understandings of genocide, and broader conceptualisations of the concept. As the drivers of postgenocide violence become more global and diffuse in nature, the importance of such sustained dialogue between concerned scholars and policymakers should not be underestimated.

²⁴ *Ibid.*, 236.

²⁵ Christopher P. Davey, "Conclusion. Further Agendas for Postgenocide Research," in *Postgenocide: Interdisciplinary Reflections on the Effects of Genocide*, ed. Klejda Mulaj (Oxford: OUP Oxford, 2021), 280.

²⁶ *Ibid.*, 283–284. Emphasis added.

²⁷ *Ibid.*, 284.