2006 Graduate Student Paper Competition Announcement

We are pleased to announce the results of *Law & Social Inquiry*'s 2006 Graduate Student Paper Competition. This year's competition resulted in co-winners: Kelley Cormier (Ph.D. candidate, Development Studies, University of Wisconsin-Madison) and Ariel Meyerstein (Ph.D. candidate, Jurisprudence and Social Policy Program, University of California, Berkeley). The Editors offer their sincere congratulations to both authors.

The winning papers will be published during 2007 in a forthcoming issue of the Journal. In the meantime, we are pleased to take this opportunity to honor and acknowledge our winning authors and to supply readers with the abstracts of their papers as a foretaste of what to expect.

Grievance Practices in Post-Soviet Kyrgyz Agriculture

Kelley Cormier

Abstract

In this article I make the argument that legal consciousness in action is expressed through the commercial transactions of new sellers and buyers in Kyrgyzstan. No attempt is made to measure degree of legal consciousness. However, by applying the sociolegal "naming, blaming, claiming" framework to a series of focus groups discussions with fruit and vegetable farmers in Southern Kyrgyzstan, I offer a characterization of legal consciousness. In the process of making this characterization, I evaluate the way disputes emerge and transform among a post-Soviet rural population that is coping with rapid and broad institutional change. Key findings indicate that the duration of experience contracting with a processor affects the approach farmers in Southern Kyrgyzstan adopt when they address a perceived grievance.

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LAW & SOCIAL INQUIRY

Between Law and Culture: Rwanda's *Gacaca* and Postcolonial Legality

Ariel Meyerstein

Abstract

This article presents an ethnographic account of a clash between two international actors—an establishment international NGO, Amnesty International, and the government of Rwanda—over the meaning of international human rights norms and the rule of law. It recounts the Rwandan government's response to the 1994 genocide with the creation of over 10,000 local judicial bodies that are modified versions of a precolonial communal dispute resolution process called *gacaca* and the mainstream human rights community's critique of the *gacaca* for perceived deficits in procedural due process. Amnesty International's invocation of "universal" human rights norms is complicated by the Rwandan government's contention that the *gacaca* do in fact embody the spirit of the international human rights norms by providing adequate guarantees of procedural due process, albeit through means not prescribed by the applicable human rights treaty, the International Covenant on Civil and Political Rights. In this view, the Rwandan resistance to, or ambivalent acceptance of, international human rights norms should be understood not as a demand for exceptional treatment on the basis of sovereign integrity, as other sovereigns have argued in their rejection of the principle of universal jurisdiction for gross violations of human rights. Rather, the Rwandan argument demands respect for a presovereignty conception of Rwandan culture and identity. In this light, the Rwandan response is cast as counterhegemonic resistance to a near-jurispathic international normative regime, whose own juridical prescriptions may run counter to the best interests of the Rwandan people.

Closer examination of the sociocultural context of the *gacaca* leads to preliminary questioning of the cognitive biases of the human rights community. In particular, the unique hybrid nature of the *gacaca*, which flows from the contentious nexus of history, culture, law, and politics found in postcolonial states, demands that the human rights movement overcome its liberal legalistic biases, and more fully appreciate the true import of legal pluralism. Postcolonial environments may also lead the human rights community to question more thoroughly its historic prioritization of civil and political rights over economic and social rights, particularly in the aftermath of political catastrophe—in short, to deal with, rather than wish away, "underdevelopment" and its perceived erosive effect on the rule of law. Embracing postcolonial legality in the Global South may ultimately lead to greater protection of a more fully universal conception of human rights than the modern human rights paradigm has achieved thus far.