Projections of a Return to Peace in Francis Imbuga's *The Return of Mgofu* and John Ruganda's *Shreds of Tenderness*: Relevance to Post-Genocide Rwanda.

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Abstract

Since independence, the African continent has witnessed varying degrees of conflict and instability. In some cases, these conflicts have been upheavals, easily quelled while in others they have threatened to cripple nations. This state of affairs has been imagined on the post-independence African literary landscape which has seen a wide range of conflict literatures. This paper seeks to examine the dramatization of conflict and the projection of possibilities of hope and peace in two dramas: *The Return of Mgofu* by Imbuga (2011) and *Shreds of Tenderness* by Ruganda (2001). The paper aims at comparing and contrasting the nature of conflict in the two dramas. This shall be followed by an interrogation of how similarly and/or differently the two playwrights project various possibilities of a return to peace. This analysis will also seek to answer the troubling question with regard to conflicts in Africa: Is it possible to have reconciliation and return to peace without retributive justice? While one of the dramas emphasizes the need for perpetrators to pay penance for wrongs done, the other advocates for withdrawal into the spiritual world of traditional African religion in the search for cohesion – restorative justice. This paper shall utilize sociological theories of literary criticism and the semiotics paradigm in literary criticism. The sociological theories shall be used to probe conflict as presented in the dramas as an incident of the prevalent social struggles, while the semiotics theory shall be used to read the use of symbolism and metaphor in projecting possibilities towards amity.

Key words: *Conflict, Justice, Reconciliation, Peace*

1.0 Introduction: The Authors, their Plays and Context

In their endevour to dramatise the condition of the people in their respective social contexts, both Imbuga and Ruganda have devoted a lot of time and space in their plays to examine the troubling issue of conflict in the Eastern Africa region. These artists, therefore, are alive to the questions of the historical and political contexts of their respective societies. Imbuga's plays including *Betrayal in the City* (1976) and *Man of Kafira* (1977), and Ruganda's including *The Burdens* (1972), *The Floods* (1980), and *Shreds of Tenderness* (2001) interrogate the question of bad leadership and its attendant violence in their specific countries and in Africa generally. While Imbuga's focus has been on his motherland Kenya, the latter has been preoccupied with question of leadership, tempered with violence in his native Uganda.

Imbuga situates the action in his plays in the post-independence Kenya of 1970s to date. This is a Kenya that mostly finds itself in the autocratic regimes of the first president Kenyatta and later, Moi. Imbuga's drama of this time examines how centralized power and the need to protect it results in the use of ethnopolitics and violence to silence the voices of dissent. Incidentally, the Kenyatta and Moi regimes have also been accused of being responsible for the balkanization of the nation in regional and/or ethnic entities depending upon whether these ethnic entities are real or imagined beneficiaries of their regimes or enemies as it were (Stubbs, 2015). According to Stubbs (*ibid*), Moi's favoured instrument of exerting control in Kenya was ethno-political. This balkanization is what would later lead to ethnic-based violence witnessed in the Rift Valley region of Kenya in the early 1990s, eventually culminating in the horrific post-election violence of 2007/2008. It is the nature, causes and effects of this last case of violence that Imbuga dramatizes in his play *The Return of Mgofu*. Stubbs (*ibid*) notes that ethno-politics was employed by President Kibaki as an instrument during his regime between (2003 and 2007). This created animosities which led to violence of ethnic proportions that pitted mainly Kalenjin and Kikuyu on the one hand; and Kikuyu and Luo on the other.

Ruganda's postcolonial drama, including *Shreds of Tenderness*, is motivated by the events in post-independence Uganda in the 1970s. To be specific, his plays dramatise the desperate condition of Ugandans at the mercy of Idi Amin's dictatorial regime that spanned close to eight years (between 1971 – 1977). The setting in his plays is read as such because the playwright uses direct and indirect references to establish the geographical and social context of the action. For instance, in *Shreds of Tenderness*, the setting is not explicitly mentioned, but the audience knows that the country under question is Idi Amin's Uganda because of the role of SRB (State Research Bureau) – an agency consisting of secret police that was used by the dictator after overthrowing of M

ilton Obote to victimize and intimidate citizens, and retain his stranglehold on power (Nayenga, 1979).

With regard to technique, both writers were able to navigate through a very challenging political landscape. By employing elements of absurd drama and distancing/alienation (Ruganda, 1992), Imbuga and Ruganda are able to pen highly influential and radical plays without encountering any telling resistance from their respective regimes. This strategy of distancing action in drama by making it seem alien and estranged, or unusual, is what Ruganda (1992) refers to as "transparent concealment." (p. 1)

Theoretically, this paper uses the assumptions of the Sociological Literary theory, which considers literary works as the logic of history and social context (English, 2010). By these insights, literary texts are read in consideration of the cultural, political and economic contexts within which they are written. As shall be made clear in the succeeding sections, *The Return of Mgofu* (2011) and *Shreds of Tenderness* (2001) are indeed dramas that logically spring from the contexts of their time and place. This paper shall also be informed by the tenets of semiotics as a means of literary inquiry. Semiotics is the study of signs and sign systems and how they extend the scope of literary appreciation beyond the province of verbal signs Nöth (1990). This perspective shall be utilized in understanding the symbolic dramatization of the sociological issues addressed in the two texts.

2.0 *The Return of Mgofu* and Spiritual Redemption

Imbuga resorts to the spiritual in projecting the possibility of violence afflicted communities retracing their steps to the spiritual world in a quest to deal with the causes and effects of violence. *The Return of Mgofu* opens with the entry of two spiritual beings, Thori and Thoriwa, who are husband and wife and victims of a devastating spate of violence that afflicted their homeland – Mndika. The extremities of the violence led to the death of scores of people. Imbuga titles the first scene of his play "*Messengers from beyond*" (p. 1) to signify that Thori and Thoriwa are from the land of the spirits – ancestors who have come to Mndika to remind their descendants of their terrible history of ethnic-motivated violence. In the stage directions that follow, Imbuga writes, "The manner of their costumes should be suggestive of the spiritual world." (p. 1). That they are indeed spiritual beings from the land of ancestors is made clearer in a couple of other statements. First, Thoriwa states that they are "messengers of those who went long before us." (p. 3), then soon after, when Thori says "Thoriwa and I ***are*** fused seed of the pawpaw tree," Thoriwa corrects him saying that they "***were*** not ***are***" (p. 3). In this play, Imbuga clearly advocates for the need to let the spirit of restorative justice play a leading role in bringing closure amongst communities that have suffered the effects of violence.

2.1 The Role of Memory in Restoration of Peace

In the first interlocution between Thori and Thoriwa, the reader/audience witnesses the two ancestral spirits claim familiarity with the land and people of Mndika. It becomes clear that in their previous lives they lived in this land and witnessed the insane violence inflicted by Mndikans against each other. Imbuga (2008) writes:

> Thori: Thoriwa. We have been here before … I think.
> Thoriwa:... Here? No, never. What makes you think we have?
> Thori: The way they are staring at us. I think they know who we are. They have either seen us before, or they see themselves in us. (p. 1)

Thori's declaration that the people of Mndika "*see themselves in us*" (p. 1) is an affirmation of the spiritual connection that exists between the ancestors of Mndika and the current generation. Here, then, we see the role of benevolent ancestral/spiritual forces in initiating the spirit of learning from the history of violence, so that then, there shall be a process of reconciliation and regeneration. This projected regeneration is expected to eventually lead the people of the new Mndika in living in the golden era of amity, experienced by the generation of Thori and Thoriwa before their nation was torn apart by ethnic-based violence. Implied in this part of the play, also, is the significance of learning from history and memory to forge a better future.

Thus sent from the spiritual world, Thori and Thoriwa assume the role of history teachers as they move on their wheelchair to various parts of Mndika narrating to the present generation how their society ended up in their present state of disharmony. At first, they tell of the initial life of harmony – an era in which the people of Mndika "performed rituals, sang danced and laughed together." (p. 5). They narrate about the service they rendered at the shrine (church), where they took care of the children of Mndika without discrimination though they, themselves, had no children of their own. This golden era was disrupted by ethnocentric greed which led to massive deaths, displacement and mistrust amongst the people of Mndika. In their narrative, they accuse the past generation of Mndika for keeping silent even as they saw they were being collectively ruined by disharmony. Thori makes an allusion which affirms the betrayal in the silence of those who had the ability to stop the madness:

> The only thing necessary for evil to triumph is for good people to do nothing. Yes, they, they opened their heads. They allowed madness in. Soon they began to warm themselves with the fire of their neighbours' skeletons. Good people did nothing. (Imbuga, 2011, p. 5).

The most devastating revelation yet comes when the two narrate of how as the guardians of the shrine they were unable to protect people who went to seek refuge at the shrine. These people were eventually burnt alive in the shrine. For an audience/reader familiar with the recent history of Kenya, this section is a direct echo of the disturbing incident at the peak of the 2007/2008 post-election violence in which people, including women and children, were burnt alive in a church in Kiambaa, near Eldoret in the Rift Valley region. The victims of this attack had thought they were safe to seek refuge in church. This motivation for their killing however was ethnic-motivated as those killed were of the Kikuyu tribe while the perpetrators were Kalenjin. Thus, the disagreement over election results in 2007 was a mere a trigger for the pent-up ethnic animosity (Stubbs, 2015).

Thori and Thoriwa make it clear that the purpose of their memory, and the purpose of the narrative that they now bring to the people of the present Mndika, is not history for the sake of remembering the bad times. Their narrative is meant to remind the people of Mndika of the golden past that can be re-lived if they put aside their current differences and forgive – differences that their forefathers created. Thori accuses these forefathers of failing to apologize and forgive (Imbuga, 2011, p. 4). Their memory is shared with the intention of establishing a connection between the present Mndika and its past era of peace. Thori and Thoriwa suggest that the connection can be restored by means of forgiving, but not forgetting how there is always the ominous possibility of slipping back to the abyss of conflict:

Thoriwa:	But don't get us wrong, we are not bitter. The soiled water can still be distilled to freshness. We believe in forgiveness. Forgive and you shall be forgiven.
Thori:	… Forget and you shall be forgotten. … it is impossible to forget the good times we had growing up here, in the three ridges of Mndika. The name of the sacred place before the madness.
Thoriwa:	Yes, that was the end to a people's memory. But Thori and I are different. We have failed to forget. (Imbuga, 2011, p. 8 – 9)

Again here, the audience is warned of the danger of forgetting. To the two benevolent ancestral spirits, memory thus serves two critical roles: first, memory reminds us of the best we can be, and gives hope of restoration of the golden order of things, and secondly, it reminds us of the terrible murky waters into which we can again find ourselves if we do not learn from past mistakes and work towards a harmonious existence.

In their tale, Thori and Thoriwa hand the baton of acting as purveyors of the spiritual to Mgofu Ngoda. This is the blind seer who escaped to exile in Nderema at the height of the ethnic conflict in Mndika. In him lies the hope of a return to the good times. The regeneration of Mndika as a nation, therefore, lies in the return of its spiritual father (immortalized in the image of his son with the same name) who was sent away by violence into a foreign land. By handing the audience to the world of Mgofu Ngoda, Thori and Thoriwa are acting as a bridge between Mndika and their past – in this past; there lies the hope for restoration. As Thoriwa states later on in the play, the birth of the younger Mgofu Ngoda is the beginning of the restoration of memory. She says, "Nora, Ngoda's youngest wife brought her husband's memory back to the people." (Imbuga, 2011, p. 27)

2.2 The Symbolic Return of the Old Man

Imbuga uses the reference of 'return' to project the possibilities of reliving a once enviable past of peace and harmony. The fleeing of the older Mgofu Ngoda to exile in Nderema at the height of the violence symbolizes the passing of an era of peace and amity. It is a sad occurrence, which the current chief of Mndika, Mhando, believes can only be alleviated by the return of the younger Mgofu Ngoda, named after the older, and therefore the representative of the benevolent spirit of his seer father.

As already written here, the well-meaning citizens of Mndika interpret the birth of the younger Mgofu as the re-incarnation of the father's spirit. This is first highlighted when Adonija exclaims upon the birth of the younger Mgofu, "Did you hear that? That's him. I knew it. I knew Mgofu would be back. You know Mgofu didn't die. Mgofu is back! … I'm so happy. Better birth than death … " (p. 21). Although these words are said while Mndika burns in conflict, it is the first show of real optimism that in the future, this spirit of regeneration shall redeem Mndika from the ashes of violence and death.

Again, upon this birth, Kadesa, the custodian of the shrine in Nderema in which Mgofu Ngoda is born, enthusiastically announces the news of the arrival of the younger offspring to the dead seer. She relays the happy news of the birth and states that it is a sign of a great future not just for Mndika, but for Nderema as well. She says, "We have a rare visitor. One who portends well for the future of our motherland " (p. 23). Later, in the next scene, Thori and Thoriwa complement the previous action dominated by Adonija and Kadesa with their typical narration to clarify the role of the spiritual in communal regeneration and peace. Thoriwa narrates:

> You have seen and heard for yourselves. Mgofu Ngoda died and was given a dignified burial at Kadesa's camp in Nderema. But Nora, Ngoda's youngest wife

> brought her husband's memory back to the people. She bore him a son and called him Mgofu Ngoda. The new Mgofi Ngoda grew up at Kadesa's shrine and became a seer in his own right. (Imbuga, 2008, p. 27)

Mhando, the current leader of Mndika is aware of the implication that the spirit of Mgofu the seer, and now his son, has on the future of Mdika. Consequently, after a period of introspection, he begins a process of seeking the return of Mgofu Ngoda. It must also be mentioned that at the time when he is pondering about this, Chief Mhando has a premonition on several occasions in which the spirit of the dead seer seems to be asking for a return from exile. Following these, the chief sends elders to Nderema to ask Mgofu Ngoda to return to Mndika as he realizes that true peace and harmony in the land shall only come if Mgofu leads fellow refugees back to their country.

The role played by Chief Mhando in ensuring the return of sanity in Mndika is a projection of the role expected of leaders in advocating for the return of peace in troubled societies. By spearheading the return of the old seer Mgofu Ngoda, he is by extension seeking the return of the past of peace and harmony which the current generation of Mndika can only reminisce with nostalgia. As a leader, he believes in the use of the past to model the present, and re-vision the future. Mhando does not visualize the progress of Mndika without the coming back of the seer and those in exile with him. In effect, he leads his people in using their history as a reference against which they can shape their present and future. It is accurate to observe that without the leading role played by Mhando in clamouring for the return of Mgofu and all other refugees, reconciliation of the people of Mndika would have remained distant.

The return of Mgofu and other exiles is marked by a day of national celebration christened, "The Day of Remembrance". On this occasion, the people of Mndika come together for the first time since the violence in a celebration of their diversity, and in acceptance that history is the best teacher. In the last scene of the play, Imbuga uses role playing to demonstrate that after devastating violence, any society's hope of healing and moving forward lies in its capacity to confront its past and learn from its own history. In this play-within-the-play, the audience is treated to a mimicry in which unity and the need to pull together in one direction are emphasized. In the mimicry, two creatures with human features (representing the diverse people of Mndika) come to the realization that they are both best served to win when they stop fighting and start pulling in one direction.

In his last speech, Mgofu Ngoda issues a rallying call for peace and pleads with the people of Mndika to respect the sanctity of human life. Although the play ends with Mgofu Ngoda collapsing and perhaps dying soon after, it is agreeable to say that his soul shall

rest easy in the hereafter knowing that he has left his people reconciled. Before collapsing and probably dying naturally, Mgofu says, "Ladies and gentlemen, my best seed for you is a request for all of you to respect human blood" (p. 69). He dies a good death he who leaves his people united.

3.0 *Shreds of Tenderness* and Pragmatic Retribution

In *Shreds of Tenderness*, Ruganda seems to insist on retributive justice - that payment of penance by those who have subjected others to violence is of paramount importance if society is to achieve true reconciliation. What we hear in Ruganda's play is a rallying call not only for restorative justice (the kind projected in *The Return of Mgofu*) but also for the prohibitive value of retributive justice. According to Ruganda in this play, as much as there is need for forgiveness, true reconciliation can only be attained if those who have perpetrated violence against other are investigated, and brought to justice. Thus, retributive justice is fronted as an important ingredient to peace and reconciliation. Clearly, Ruganda here departs from Imbuga's vision with regard to creative propositions as to how the virulent problem of violence and its effects in post-independent African countries can be solved to attain lasting peace. Gerber and Jackson (2013) distinguish between two forms of retributivism – one that is aimed at revenging or getting back at the offender, and the other (justice as just deserts, p. 62) which seeks to restore a sense of justice through "proportional compensation from the offender." (p. 62). These scholars consider the former less effective and the latter more constructive in prohibiting the occurrence of crime.

The family drama in *Shreds of Tenderness* – which plays out the condition of the entire state in which the play is set – demonstrates the playwright's vision on the troubling question of justice and reconciliation. Within Odie's deranged experiments involving the torture of termites as if they were humans is the presumed punitive torture of the tyrant who has subjected the citizens of this unnamed country (but obviously Idi Amin's Uganda) to horrors for a whole decade. These absurd experiments symbolize the author's conviction that those who subject fellow citizens to terror must pay. Ruganda thus considers retributive justice as indispensable in attaining reconciliation. The king of termites represents the tyrant and Odie the common citizen who sees fairness in torturing his former torturers to death as a way of atoning for the wrongs committed. In a monologue at the beginning of the play, Odie indicts the King of Termites (symbolic of the leader of the state) for ignoring the suffering of his people:

> Odie: Having a royal nap, Your Highness, are you? In spite of the shooting and the shelling and the killing outside? … Or is it that you have no ear for the

> onslaughts of man by man? … No shred of tenderness left in you? (Ruganda, 2001, p. 2)

Later on, Odie tortures the King of Termites to death in a manner commensurate with the injustice that latter has meted out on his perceived enemies and innocent citizens. The King of Termites dies under Odie's systematic torture machinery including test tubes, ice cubes and a Bunsen burner. This set of instruments can be read to symbolize a comprehensive judicial mechanism. The slow painful death of the King of Termites seen here symbolizes retributive justice exacted upon an authoritative leader who supervised the suffering and death of his own people.

Odie also represents the perpetrators of violence in war torn countries. In the days following the overthrow of a people elected government, Odie joins the SRB, an outfit involving the police, military and a few private individuals that is used by the incumbent dictator to victimize enemies – real or perceived. The SRB is also an instrument used by the dictator, assisted by the likes of Odie, to torture into submission those like Stella who did not manage to flee to exile. In point of fact, Odie's absurd experiments with termites are symptomatic of how the SRB as an agency used an advanced – indeed scientific – torture mechanism to engender fear and batter dissidents into submission. To perpetrators like Odie and his bosses, violence and fear becomes a language by means of which a dictatorial regime engages its citizenry. In one of the startling revelations in the play, Wak exposes the SRB and Odie as agents of injustice:

> Wak: You should read the files, man. At the State Research Bureau.Incredible. Absolutely nauseating. The reports, the false statements. Christ! Greed has driven man to the rock-bottom of
> treachery and indecency. (Ruganda, 2001, p. 118)

After joining the SRB, Odie proceeds, in a shocking fashion, to subject his own family to the horrors in order to find favour with the regime. He starts by betraying his own father – a former minister of the fallen regime – to the dictatorial incumbent and leads to his assassination. He then proceeds to inform on his brother Wak to the SRB because of his rebellious opposition to dictatorship. Wak is lucky to escape to exile, where he is subjected to untold prejudice and discrimination for ten years. Soon after Wak flees, Odie declares him dead and uses his influence with the incoming authority to disinherit him and become the sole owner of the family estate. In the first of a series of revelations against Odie in the play, Stella exposes his underhand dealings in defrauding the family.

> Stella: As the next male relative, you stood to benefit. Dad is dead. So is Wak. And a younger sister, who is not twenty-one yet. So armed with the photograph

> and the radio announcement (of Wak's supposed death), which was also published in the dailies, you confront the officials at the Lands and Surveys Office to change land title-deed. … And the Odie that walks out of that Lands and Surveys office is anew Odie. (Ruganda, 2001, p. 21)

It seems, according to Ruganda, a perpetrator of this caliber must be punished for fairness to reign. When the dictator is overthrown and Wak returns, Odie's world starts falling apart and the audience witnesses as he loses grip of his emotional and mental stability. He starts to engage in absurd experiments, hallucinates and becomes paranoid and violent. He behaves like a man who sees his end has inevitably arrived. Through Odie, we see the mind of the perpetrator whom history has caught up with, who knows it is time to pay for his transgressions but is now scared to pay for his wrongs. This is why Stella questions his behavior in the recent days. Ruganda uses him to symbolize the inevitable rendezvous between the perpetrators of violence and their past of inflicting death and injury upon their fellow countrymen. The man he had declared dead has arrived, and Odie is aware Wak's prolonged absence from their family house since return means that he is investigating the role played by Odie and others in propping up a dictatorial regime. Wak, after taking part in investigations into the role of SRB in abetting and facilitating injustices, accuses the SRB establishment of which Odie is part:

> Wak: You're just like the rest of them. Suspicious and susceptible to warped conclusions. Worried about your jobs and the property you may have illegally grabbed, or the wealth you may have amassed wrongfully." (Ruganda, 2001, p. 73)

As the action in the play progresses towards its end, the author insistently emphasizes the centrality of retributive justice as a pragmatic approach towards curbing future conflicts. The role played by Odie is too grave to let him off the hook without punishment – the essence of retributive justice. As the siblings argue into the night, Wak reveals to a suspecting Odie, and to a dumbfounded Stella, that he knows Odie has been one of the SRB spies who have benefited from the regime by victimizing others. When Wak reads from classified SRB files that have been unearthed following investigations, Stella is shocked to learn that Odie betrayed his own father and led to his assassination, and that he also betrayed Wak with the intention of wanting him dead so that he could remain the administrator of the family estate. Odie's guilt and fear of retribution drives him to the very edge of his sanity.

In a show of tenderness, Stella and Wak forgive their brother and are in fact willing to help him evade being rounded up together with other SRB spies. To Odie's disbelief, Wak commits himself to helping him, notwithstanding what Odie has done to him. In a

conciliatory statement full of brotherly tenderness, Wak says, "He is my brother, isn't he? So why should we have to shed tears?" (Ruganda, 2011, p. 134). The action by Stella and Wak represents their belief in a justice that is both restorative and reconciliatory, besides being retributive and prohibitive: one that gives the perpetrator an opportunity to confess so that he can be forgiven by those whose rights he violated. Odie however, too guilty to live without paying for his wrongs, opts to remain open to arrest so that he can do his "penance" (Ruganda, 2001, p. 134). Writing in recommendation of restorative justice, Gabbay (2005) opines that retributive justice applied independently, fails to efficiently address the welfare of both the victims and the perpetrators. He further argues that restorative justice is more utilitarian and does not preclude the principles of the punishment theory - retributivism.

This acceptance by Odie, the perpetrator, that what he did was too serious to be allowed to "walk home" scot-free can be read as the playwright's emphasis that true justice is that which emphasis retribution over reconciliation. The author seems to be saying that a society should not allow forgiveness and mercy to reign without putting into consideration the nature of the crimes committed. This is does not however rule out possibility of reconciliation, which is expressed in the play in the form of Wak's Three Rs. Wak declares that the he and his fellow returnees are not interested in revenging, but that they have a mission to "reconcile, reconstruct and rehabilitate" (Ruganda, 2001, p. 53). According to this act, Ruganda sees the restorative role of justice in its retributive nature. Wak warns Odie about his imminent arrest if he doesn't escape:

> Wak: They are rounding up SRB spies tomorrow, do you understand, Odie? They are rounding up spies tomorrow. … Look at the picture, Odie. Look at it properly. …Your signed statement. Found the file in the SRB office. That's why I am here now. What do you say?
>
> Stella: I can't believe this! Wak, do something, please. (Ruganda, 2001, p. 134)

Upon Stella's plea, Wak confirms that he has forgiven Odie and would help him avoid being arrested. Odie however is adamant, and in a last gesture of bravery – one of dignity, he says that he is ready to pay for his mistakes:

> Odie: Oh, no, Wak. I know you probably mean well. In fact, I know you mean well. But, no. Let me do my penance, if need be. If the forces that be are rounding up all SRB spies, so be it. Let them. I am not scared of the law. I'll serve my term and keep my dignity. (Ruganda, 20001, p. 134)

From the foregoing, it is clear that Ruganda's *Shreds of Tenderness*, Unlike Imbuga's *The Return of Mgofu*, combines a more pragmatic type of justice which retributive and prohibitive, with a reconciliatory approach in its vision for a peaceful Africa. While Odie's confession of wrongdoing and asking for forgiveness represents components of restorative justice which leaves the victim (Wak and Stella) redressed, his insistence on paying for his mistakes is the authors recognition that when criticizing aspects of retributive justice, one must not throw away the baby with the bathwater.

4.0 Application to Africa: The case of Post-Genocide Rwanda

The 1994 Rwanda Genocide, a devastating ethnic conflict the kind of which is dramatized in Imbuga's *The Return of Mgofu*, gave rise to a justice-seeking scenario consistent with the approaches to justice that are projected by Imbuga in his play discussed here, and Ruganda in *Shreds of Tenderness*. The violence, pitting two ethnicities, Tutsi and Hutu, led to the death between 800,000 and one million people (Magnarella, 2002) and other human rights violations (including the rape of estimated 250,000 women and forcible transfer of populations (UN, 2012). As such, the high number of victims meant that that there were also scores of perpetrators, and therefore, the process of seeking justice and reconciliation could not be vested in only one institution or approach. This led to the formation of three initiatives that had different but complementary mandates and jurisdictions. Besides, within these approaches, there was room for a community-driven restorative justice to complement retributive justice – a contemporary justice-seeking initiative was hence backed up with an idiosyncratic initiative unique to the Rwanda case.

First, on November 8th 1994, the United Nations Security Council established The International Criminal Tribunal for Rwanda (ICTR). This body had the mandate to prosecute individuals who bore the greatest criminal responsibility for genocide and other serious human rights violations. Secondly, Rwanda's National Court System had the responsibility of prosecuting those accused of planning genocide and perpetrators of other serious crimes such as rape (Magnarella, *ibid*). When the death sentence was abolished in Rwanda in 1998, all genocide cases were moved to the ICTR.

It is important to emphasise here that both ICTR and Rwanda Court System pursued retributive justice with emphasis on perpetrators paying for the crimes committed. This arrangement is premised on the belief that the victims feel compensated to see those who brutalized them and their people pay for their evil by death or at least imprisonment. This is the kind of justice that is envisaged and/or dramatized in *Shreds of Tenderness*. In this play, the audience is treated to insistence on the former SRB spies such as Odie being rounded up and made to account for their role in the ten-year violence that led to wanton suffering of their people. This approach to justice seeking, however pragmatic it may be,

is deemed some form of revenge meant to put the perpetrator "in his place", rather than restore lasting peace and harmony. However, the executor of this kind of justice finds it effective because the penalties exacted upon the perpetrators are severe enough and therefore prohibitive of future crimes. Interestingly, even the perpetrators themselves (in *Shreds of Tenderness* represented by Odie who refuses to assisted to escape by his siblings) acknowledge the seriousness of their crimes and are willing to pay for them. Perhaps Odie's refusal to be assisted to evade justice is the playwright's support of the first two judicial initiatives in Rwanda (and his indictment of the third judicial process – below – because it allowed to perpetrators to just "walk back home" (Magnarella, 2002) after merely confessing their heinous crimes.

The third and last judicial initiative establishment in Rwanda (unique only to the Eastern Africa country) in the aftermath of the genocide is referred to as The Gacaca Tribunal System. This system was motivated by two realities. One, there were far too many perpetrators that the first two initiatives were overwhelmed and could not deliver justice without delaying – delaying itself being an injustice. Secondly, there was need to balance justice, security and reconciliation. The Gacaca courts emphasized the role of bringing not just justice, but also reconciliation to the grassroots, which is where the animosities started. This was a traditional community court system in which communities in the grassroots elected the judges, attended and took part in the proceedings which took part in public and in their very villages. According to Brehm, Uggen and Gasanabo (2014) lay members of the community referred to as *Inyangamugayo* were appointed as judges. Between 2005 when they became operational, and 2012 when they closed, some 12,000 community based courts had tried 1.2 million cases (UN, 2012). The Gacaca system sought to exploit the spiritual sensibilities of the victims and the perpetrators in vouching for a justice that would restore a harmonious existence between the Hutus and the Tutsis right from the grass-root level. This is the possibility projected by Imbuga in *The Return of Mgofu*.

The justice fronted by his initiative is more restorative than retributive and is favoured by some scholars over what they consider a revenge-laden retributive approach. A case in point is Marshall (2012) who in his indictment of retributive justice says:

> 'Retributive justice' is dogged with imprecision. When 'retribution' is used alone, it evokes the idea of vengeance or retaliation. Paired with 'justice' however, it implies a measured delivery of punishment as due recompense for wrongdoing. (p. 12)

By the second 'justice' in the above quotation, Marshall (*ibid*) implies a justice that is restorative and conciliatory. In Imbuga's play, Chief Mhando leads the community of Mndika in reclaiming its past. He is aware that a lot of the people of Mndika – including

Mgofu Ngoda – live in Nenderema in refuge. Knowing that Mgofu is the spiritual father of the community, Mhando ensures his return as a sign of complete reconciliation and the beginning of a true peace. It is important to note that the people of Mndika do not at any one time contemplate retributive justice as an option. This is contrary to Ruganda's vision in *Shreds of Tenderness*. Upon this

Further, we can draw parallels between Marshall (*ibid*) assessment of Biblical justice and the quest for justice in both literatures under critique in this paper, and in Rwanda. Marshall insists that a good justice is that which restores a good relationship between God and the sinner. Likewise, The Gacaca initiative was based on the need to rebuild. He opines, "Justice (God's) … focuses not on imposition of retribution on wrongdoers, but the restoration of right relationship." (p. 15). The spirit of restoration of harmony was the main driving for behind The Gacaca Tribunal System.

The foregoing notwithstanding, Ruganda's *Shreds of Tenderness* (2001), though insistent on retribution, also advocates for reconciliation. This is how the whole idea of 'tenderness' alluded to in the title begins to make sense: That opposite sides of a warring society should have enough empathy and consideration to forgive and reconcile in a bid to build a peaceful future – no matter their differences nor the history of violence. This spirit is captured by the Three "R" slogan by agents of reconciliation like Wak who insistently call for "reconcile, reconstruct and rehabilitate" (Ruganda, 2001, p. 53).

A brief look at the current situation in Rwanda can demonstrate that because of the trident approach to justice, especially the complementary role of the Gacaca Tribunal System with its restorative function, the country – now in its 23rd year since the genocide – has witnessed milestones in different spheres. According to The Guardian date April 3, 2004, the country has seen significant developments in health, education, and leading the African continent in involving women in government and elective politics. Besides, according to a UN online publication, reconciliation in Rwanda focused "on reconstructing the Rwandan identity, as well as balancing justice, truth and peace and security in the country. Different measures have been taken by the Rwandan government towards achieving the goal of perpetrators and victims living side by side in peace" (UN 2015).

5.0 Conclusion

From the arguments above, we can conclude that violence is a multifaceted problem in post-independence Africa and it calls for a multidimensional approach in the quest for the resolution of conflicts. Conflict resolution, however, does not end with the cessation of violent engagement between warring communities. Ideally, the end of violence should give way to a process of justice seeking for the wellbeing of both the perpetrators and

victims. Whereas some violence is instigated by leadership wrangles and greed for power, some is ethnically instigated. As such, while retributive justice might be appropriate to bring closure to violence resulting from political instability and leadership wrangles – since this involves a few main perpetrators, ethnically instigated violence which engulfs scores of people as perpetrators would need a community-based approach which targets pacifying and reconciling people of different ethnicities. The two plays project this variant ways of administering justice as a form of seeking redress, instituting reconciliation and exacting punishment. Zorbas (2004) advocates for this variant approach arguing that the worst is doing nothing about such atrocities. She avers,

> "My premise is that legal (prosecutorial) instruments, striking political compromises, publicly acknowledging the wrongs inflicted on victims, and other measures, … are all the more acceptable than doing nothing." (Zorbas, 2004, p. 1)

While Imbuga advocates for a community-based reconciliation and a spiritual dimension as means towards attainment of peace and harmony, Ruganda's drama clamours for a more pragmatic approach of ensuring that both the perpetrators and the victims get their due part of justice. Like Zorbas (*ibid*), the two playwrights seem to be saying that there is no singular successful approach to justice and reconciliation.

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