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Literature, Representations of Democracy and The Rule of Law: Inseparable Interconnections

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Abstract

This paper, through random references to select African fictions, aims to highlight how literature represents and advocates for democracy and the rule of law in Africa. The paper deploys intertextuality as its theoretical guide and the text-based method as its analytical tool. It is found that democracy implies a process of constitutional delegation of the supreme power that is vested in the people and exercised by them through a system of representation usually involving periodic popular elections, while the rule of law is the political philosophy which holds that all citizens and institutions within a country, regardless of social statuses, are not only equal, but also accountable to the same laws. It establishes that literature is simply a cultural reflection of the daily developments of a people through time and space which has aesthetic value, historical significance, cultural refinement and the envisioning of future cultural prospects through cultural rejuvenations. In other words, literature imaginatively mirrors the society's socioeconomic and political transformations through time and space while providing encoded solutions to existential problems. It is also established that, African literature has consistently critiqued politics, democracy and the act of political governance due to inherently glaring abuse, procedural manipulation and open neglect of the rule of law. The paper concludes that the only feasible route to sustainable democracy and

development in Africa is the enunciation of the philosophy of liberal democracy which gives precedence to the rule of law.

Keywords: Literature, Democracy, Rule of law, Representations and Liberal democracy.

Introduction

The emergent interdisciplinary field of law and literature began in 1907 when Wigmore published his book *A List of Legal Novels* (1908). This work established connecting references between literature and the law. In literary scholarship, law and literature could hardly have been called a field of scholarship. Critics only astutely discussed the influence of law on the various writers and their works, yet, viewing these fields of study as independent of each other in terms of scholarship. With time, however, law and literature emerged as a truly interdisciplinary field of study with such frills as scholarly journals, conferences, law school courses, and enduring organisations. The influence of hermeneutics is such that "the footnotes in the kind of constitutional law articles that used to cite Rawls and Nozick, now increasingly refer to works of literary theory" (as cited in Wigmore, 1908, p. 574).

In its mission statement, the University of Toronto, Canada, stated in its Law and Literature program that:

> Law is a part of culture. There are deep connections between legal procedures for resolving disputes, the kinds of harms that a court will recognize and the remedies it will provide, and the rules that govern the admission and evaluation of evidence, for example, and the ways that a culture imagines the forms of life it includes and the techniques for representing them. Law and literature have much in common, too, as rhetorical activities based on narrative. Both attempt to shape reality by using language to persuade the reader or listener (Toronto, n. d.).

According to the Black's (1994) Law Dictionary, the rule of law is:

> A legal principle of general application, sanctioned by the recognition of authorities, and usually expressed in the form of a maxim or logical proposition called a "rule" because in doubtful or unforeseen cases it is guide or norm for their decision. The rule of law, sometimes called the supremacy of law provides that decision should be made by the application of known principles of laws without the intervention of discretion in their application (p. 231).

The principle of the rule of law is consequential to the theories of the early philosophers. Aristotle believed that "The rule of law is preferable to that of an individual". Similarly, Henry Bracton holds that "the king himself ought not be subject to man, but to God and the law, because it is the law that makes him king" (as cited in Popoola, 2015, p. 3). Prof. A. V. Dicey (1985) identified three doctrinal conditions that are necessary for the rule of law thus (p. 4): i) the "absolute supremacy of dominance of regular law" as opposed to the "influence of arbitrary power". ii) "equality before the law" - the equal subjection of all classes of citizens to the ordinary law of the society and iii) the rule of law may be "the formula" for expressing the fact that, "the law of the constitution is not the source but the consequence of the right of individuals as defined and enforced by the courts" (pp. 11 - 31).

This raises yet another pertinent issue: the rule by law as mystifying conceptual contrast to "the rule of law". In the former, law is an instrument of governance which raises government and those in power above the law. Here, the law constitutes an instrument for the operation and execution of the personal whims of those in power. The latter equates all citizens as equal before the law, regardless of social statuses.

Like the rule of law, the origin of the concept of democracy can be traced to the ancient Greece. However, this concept has been variously modified, transformed and adapted to suit the divergent ideological dialectics and circumstances of nations across the globe. In Africa, the giant country Nigeria has adopted the American Presidential model of democracy - defined by the then President, Abraham Lincoln as the government of the people, by the people and for the people, under the rule of law. The problem with the arbitrary adoption of these colonial structures is the intrinsic potentiality to create a coercive situation of authority, and hegemony (Popoola, 2015).

However, Black's (1994) Law Dictionary defined Democracy as:

> The form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy. Democracy could also be described as apolitical method, that is to say, a certain type of institutional arrangement for arriving at political, legislative and administrative decision. It is therefore a method by which the individual acquires the power to participate in decision by means of a competitive struggle for the people's vote ... it is competition for votes that is the distinguishing character of the democracy method... (p. 213).

It is obvious therefore, that elections or voting and the entire electoral processes are central to a system of representative democracy. The remaining essential components include security of civil and political freedoms and the existence of an institutionalised government charged with the responsibilities of maintaining equity and justice among the citizens, through the judicious pursuit of the rule of law. To ensure the enactment of

true democracy, absolute rule of law, liberty, right of dissention, fraud impervious electoral system and conformity to the established rules of practice are necessary.

Therefore, this paper aims to explicates how literature highlights democracy and the rule of law in the 21st century Africa. This means the study of "law *in* literature," as when one studies representations of the law in literature.

Theoretical Framework

This paper deploys the theory of intertextuality as its guiding principle. Julia Kristeva is said to have coined the term "intertextuality" in her discussion of the texts of Mikhail Bakhtin. She believes that "Any text is constructed as a mosaic of quotations; any text is the absorption and transformation of another" (as cited in Clayton & Rothstein, 1991, p. 20). Northrop Frye's *Anatomy of Criticism* views literature as an object encompassing life and reality in a context of verbal connections. He further adds that intertextuality "subsumes the work of 'major' authors with that of 'minor' figures in a multiple positional typology based on relation and difference" (as cited in Clayton & Rothstein, 1991, p. 17). This theory is relevant to this study because it allows the transformation of other texts into unique others in the creation of new interrelationships.

Literature, Representations of Democracy and the Rule of Law: Inseparable Interconnections

In contemporary Africa, a creative writer's intercession in the politics of his country is not only humanitarian but obligatory. This is an indication of the writer's commitment to the epitomes of constitutional democracy and the rule of law as fundamental to an egalitarian society in ensuring equity and the security of the fundamental rights of the larger society. In pursuance of this, therefore, literature interrogates the prevailing experiences of its period - the growing and perhaps permanent tensions between the rulers and the subjects over leadership excesses and violations of or

absence of the rule of law - corruption, repressive measures, egoism, nepotism - writers have no other option than to dutifully interrogate the situation on behalf of the entire populace. This poetic stance sets most authors at loggerhead with ruling authority. Andre Brink (1983) affirms that "the writer should constantly rebel against the set of circumstances which imperil or curtail the freedom and justice of the individuals in his society and his world" (p. 51). If politics is "the art or science concerned with guiding or influencing governmental policy" (p. 13), the rule of law is the philosophy that guides the practice and, literature is the instrument that reflects and critiques this interplay for the sake of society in the search for a unique and sustainable development.

Soyinka believes that "justice is the first condition of humanity". The "man" as a writer dies if he fails to confront and challenge the tyranny of the ruling elites. This ethical orientation is what impelled most African creative writers – Achebe, Ngugi, Okri, Gimba etc. to have contributed in the democratic processes of their respective countries. Consequently, Ngugi's establishment of the Karimuthii Theatre set him in a collusion path with the then Kenyan government, under the dictatorship of President Jomo Kenyatta.

The Writer's Obligation to Democracy and the Rule of Law

The fundamental unifying factor across Africa and amongst authors is the resolve to participate in the democratic processes and the transformations of their various societies. This resolve has enabled them to interrogate leadership excesses, military monocracy, political dictatorship and absolutism in societies, including adherences to the rule of law in the act of governance. However, a society implies a heterogeneous, durable and collaborating cultural group with organised and rational chains of relationships and communication with one another. This suggests a community or nation with diverse cultural groups, common historical experiences and collective and proactive national interests and not one:

> … that is ripped apart by an economic, social, and cultural crisis...Ours is an Africa where many of our leaders have sold our countries wholesale to international capital, giving the control over our economies and consequently our welfare, indeed our lives, to the IMF or the World Bank" (Mlama, 1990, p. 8).

In most cases, there has been poetic participation in the democratic process of nation building by numerous writers across Africa. Such writers as the late Achebe, Ngugi, Ama etc have poetically participated in the democratic processes of their countries. Most African writers have identified with the common people against the oppressive political elites. This is achieved through the representation of the "unpopular" in their works, to avoid intimidation and persecution. According to Bjornson (1991) the "authors must assume responsibility for the ideas they express – a grave responsibility in countries where the state does not tolerate dissenting opinions" (p. xiv). For instance, *Our Husband Has Gone Mad Again*, interrogates the activities *of* the powers that be.

This critical representation, in some instances, infuriated government officials who arbitrarily resorted to imprisonment of writers for expressing the popular and contrary views against those of the establishment. Notable African authors who experienced exile includes amongst others Wole Soyinka, Ngugi wa Thiong'o, Nurudeen Farah, Bessie Head etc.

Literary research into the paradigm of nation building in Africa dwindles between institutional (Kidane & Daddieh, 1999; Hills, 2014), developmental (Meagher, 2014), and ethno-political (Young, 2012; Abbay, 2004) aspects. These approaches have reached the common conclusion that colonialism had a malign effect on the colonised. This suggests that the alien systems, structures and policies imposed by the colonisers have destroyed

the original systems of leadership, developmental trajectories, and social structures thus creating these obdurate motivations to social stagnation in Africa (Kieh, 2007; Taiwo, 2010). Therefore, the partitioning of African continent and its subsequent being stitched together by colonial cartographers lacked rationality and coherence. It translates into aversion that weakens any resistance to colonialism. Amilcar Cabral posited that "It is our opinion that it is necessary to totally destroy, to break, to reduce to ash all aspects of the colonial state in our country in order to make everything possible for our people" (as cited in Cohen, 1976, pp.1-3).

Consequently, African authors have been chiefly opposed to Eurocentric solutions in preference to resuscitating indigenous alternative options as demonstrated in Ben Okri's abiku trilogy. Accordingly, Tim Kelsall's (2008) *Going with the Grain in African Development?* obviously rebuts the "imported ideological, legal and governmental system founded on a strong separation between public and private that has never existed in Africa", swapping it with an "opaque" system through "personalized clientelistic networks" (p. 636).

Perhaps, the most significant of the depictions of foundational colonial legacy in the disruption of democracy and the rule of law in Africa is Chinua Achebe's *Things fall apart* (1958). Okwonkwo, the protagonist in the novel sums up this when he says that the coloniser "has put a knife on the things that held us together and we have fallen apart" (TFA, 1958, p. 125).

Notwithstanding, Simon Gikandi's (1991) view on *A Man of the People* holds that "the novel provided a new way of reorganizing African cultures, particularly in the crucial juncture of transition from colonialism to national independence" (p. 31), the story is, indeed, a literary critique of how the coloniser "has put a knife on the things that held us together and we have fallen apart" - misuse of democracy and abuse of the rule of law - which leads to social

frustration and staid leadership problems in Africa. This frustration of the African peoples' dreams of an ideal government in a free nation after their colonial experience, constitute the thematic concern of most African writers. Christopher Heywood (1975) describes this new African situation as a "cesspool of corruption and misrule" (p. 82). Vachaspati Dwivedi (2008) specifically holds that "Nigeria is a place where leaders who had fought for independence became traitors after attaining power and sacrificed their country in exchange for middle-class comfort" (p. 3). Therefore, in most African societies, "materialism, corruption, injustice and exploitation become the vague rather than the bane" (Okoko, 2006, p. 10).

These suggest that selfish leaders aim to exploit independence to a great extent through disruption of democratic procedures and the infringement of the rule of law which plunged the continent into diverse socio-political glitches: nepotism, corruption, materialism etc. Achebe's *A Man of the People* is an illustration of the decaying democracy and ever receding rule of law in Africa. Achebe draws our attention to the magnanimity of the problem when Odili states that "the trouble in our nation is that none of us had been indoors … the shelter would subvert and bring down the whole house" (AMP, 1966, p. 42). This is a reference to the power of wealth and authority in the seduction and derailment of a whole people. Sunday Osim Etim (2004) submits that "… greed is the unscrupulous, uncontrollable desire to accumulate more and more wealth" (p. 293) which consequentially, trapped and destroyed the humanity and rational sense in us. This absence of humanity and reason, as shown in the character of Nanga and his cohorts, demonstrates that in Africa, "… the leaders abuse their posts to enrich themselves at the nation's expense" (Macheka: 2012, p. 14).

These abuses dissuade "a change process characterized by increased productivity, equalization in the distribution of the social products, and the emergence of indigenous institutions whose

relations with the outside world are characterized by equality rather than by dependence or subordination" (Brett, 1973, p. 18). This process involves "… the mobilization, adaptation and use of human and natural resources within a state to meet the needs, and possibly, the wants of the citizens of such states" (Fadahunsi, 1986, p. 6).

The necessary condition for this is democracy and the rule of law. Ironically, Africa is characterised by the diminution and dilapidation of cultural institutions, natural and human resources, and the deterioration of the quality of life, in addition to the burden of usually misappropriated foreign loans. Thus, creating mass poverty, hunger, deprivation, mass scuffles, political conflicts and to some extent, wars across the African continent. Brett (1973) alleged that many "developers" of Africa "do little more than develop their family fortunes" (p. 3).

In *The Famished Road* (1991), Okri employs the "road" to represent a historical time. He transforms the recognisable form of "In the beginning, there was" (Brett, 1973, p. 3). Okri insists on the recurrence of historical injustice: "I recognized the new incarnations of their recurrent clashes, the recurrence of ancient antagonisms, secret histories, and festering dreams" (TFR, 1991, p. 194).

According to frustration-aggression theory, aggression or violence "is the result of blocking, or frustrating, a person's goal" (Friedman & Schustack, 2014, p. 204). Therefore, a night of a riot can be "a night without memory" which keeps "replaying its corrosive recurrence on the road of our lives, on the road which was hungry for great transformations" (TFR, 1991, p. 180). This shows that our history comprises of cyclical transformations, as "the condition of the spirit child" (TFR, 1991, p. 478). Ade, Azaro's spirit bosom friend forecasts:

>There will be changes. Coups. Soldiers everywhere. Ugliness. Blindness. And then when people least expect it a great transformation is going to take place in the world … A wonderful change is coming from far away and people will realize the great meaning of struggle and hope. There will be peace. Then people will forget. Then it will start again, getting worse, getting better (TFR, 1991, p. 478).

Scholars like Okpoko and Ezeadichie (1999) are in agreement on the negative impact of modernity in most African nations with regards to development – political, ecological, cultural, economic etc. They held that:

>Sustainable development in Africa should be concerned with the establishment of a system of economic growth and advancement that puts into proper consideration both the socio-cultural background of the people and the physical environmental adaptability of technology (Okpoko & Ezeadichie, p. 5).

The principle of democracy and the rule of law should therefore, encourage mass participation in development, each according to his/her station because "sustainable development is a holistic concept whose practical dimensions cut across all the facets of rural life including economic, human, technological, institutional and environmental" (p. 11). This ought to be done in a secured context because "... insecurity in Africa has made it impossible to realise the economic development potentials of the continent" (Adetula, 2006, p. 384). However, this insecurity, manifesting in various forms, are reactions to frustrations of cherished goals which sought solace in aggression that cumulatively constrain development – destruction of infrastructure, interposing production and human and material resources diversion. This

demonstrates the effect of colonial implantation of the evil seeds of ethnic mistrust, bigotry and politico-economic banditries.

In *The Famished Road*, (1991) Okri portrays the covert consequences of the rape of democracy and the rule of law and self-aggrandisement in the character of Madam Koto. In spite of her advances in wealth, riches and influence, she ultimately ended up in inner spiritual decay and moral decadence. She improves financially and politically but becomes meaner and heartless. This is Okri's poetic representation of those in power who, through violations of the law and due processes, amass extreme wealth at the detriment of the impoverished majority. Madam Koto gets entirely transformed - now "She wore clothes that made the beggars ill" (TFR, 1991, p. 495).

Obviously, any society that is derailed from liberal democracy and flanged into the process that lacks commitment to the rule of law will gradually degenerate, retrogress and stagnate. That has been the problem of many African nations, "Dying from a lack of vision, too much greed and corruption, not enough love and too many division" (TFR, 1991, p. 8). There is purely a state of anarchy where human blunders and corruption take the frontiers of power and development. Instead of the peoples' true liberation and independence, the supposed liberation leads to self-alienation, self-rejection and disunity. In *Infinite Riches*, Okri portrays this corrupt totalitarian politics as the politicians boastfully claim "… victory is ours already, we have won … those who vote for us will enjoy, those who don't will eat dustbins" (IR, 2003, pp. 261-62).

This brings the postcolonial politician to equal footing with the coloniser because independence is no more than the second birth of colonialism in Africa since "No one was sure of the enemy" (IR, 2003, p. 71). Surprisingly, "our country is an abiku country. Like the spirit child it keeps coming and going. One day it will decide to remain. It will become strong" (IR, (2003, p. 547). Here,

Okri compares Nigeria's democracy with the abiku's circle of life and death as evidenced in the military's disruptions of civil rule. Undoubtedly, African nations need leaders who can subordinate narrow private goals for broader community objectives. For such a leader, power and influence are important only if they instrument the founding of solutions to human problems "but the fact remains that our leaders are predatory and instrumental" which David Apter (1960) described as "consummatory" leaders (p. 190) who are mired in the pursuit of their egoist goals and not the broader national and continental interests. Chinua Achebe, in his book *The Trouble with Nigeria* (1983) asserts that:

> The trouble with Nigeria is simply and squarely a failure of leadership. There is nothing basically wrong with the Nigerian character. There is nothing wrong with the Nigerian land or climate or water or air or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal example which are the hallmarks of true leadership (p. 1).

The lack of selfless, non-corrupt and committed leaders has contributed immensely to the socio-political and economic predicaments of Africa today. The dominant Africa's social problems - poverty, diseases, illiteracy, prostitution, crime, and insecurities, are in one way or another related to the sour state of the economic condition which was brought about by bad political leadership. In *Songs of Enchantment* Okri, through Dad holds that:

> Africa is the home of the world and look at how we live in this world … poverty everywhere, wickedness, greed, injustice all over the place, goats, wanting to lead the country, cows running for elections, rats scheming to become governors. This could be the great garden of the earth, but it is now a backyard (SoE, 1993, p. 126).

Conclusion

Literature provides a poetic vehicle for intellectual voyage into the world of human experiences and sensibilities in African, with horrific and grim possibilities. Chinua Achebe, through his novels, *Things Fall Apart* and *A Man of the People*, have revealed the remote and apparent genesis of the failure of democracy and the rule of law in Africa and how these facilitate Africa's lack of sustainable growth. Both texts blamed colonialism, an experience that sieved Africa from her milieu and the consequential laxity with which Africa is handling the situation, in spite of devastating multiplier effects.

The Famished Road abiku trilogy (which consists of three magical realist novels The Famished Road, Infinite Riches and Song of Enchantment further reveals the magnitude of this cultural alienation which reduces Africa into a mere famished continent in a perpetual need of nourishment. Okri, through his abiku spirit narrator and protagonist's experiences of spiritual anguish and disgust, critiques African democracy as responsible for the continent's economic anguish. The situation is so severe "that there was no escape from the hard things of this world. Everywhere there was the crudity of wounds …" (TFR, 1991, p. 161).

These "crudity of wounds" are symbolic to the grips of poverty, lawlessness, corruption and bad governance which combine to cripple and stagnate collective Africa. Notwithstanding Obumselu (n.d) views the wounds "as the essential grossness and contingency of the created world, the wounds are beyond remedy" (p. 28). Okri strongly believes in the possibilities of collective African change of attitude and mindset, as we hear Dad saying "I am converted – I am blinded – I am beginning to see" (SoE, 1993, p. 499). With the firm resolve of the Abiku spirit child, Africa can combat, pause and change this chain of irresponsible, disgruntled and retrogressive regimes which Quayson (1997) describes as "the cyclicality of political irresponsibility," which Africa "has not done

enough to transcend the trauma of unbending underdevelopment or the nausea of confusion in its unfocused attempts to escape it" (p. 132).

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