

BETWEEN LAW AND LITERATURE: THE QUEST FOR JUSTICE IN POST-INDEPENDENCE NIGERIAN FICTION

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Abstract

Post-independence African societies are victims of challenges of poor quality political leadership. Indeed, the experience of the individual in terms of access to justice and the empowerment of the self are abysmal. Against the above backdrop, critical and interdisciplinary inquiries have been focused on the challenge of restoring the dignity of the citizenry and enforcement of the rights enshrined on various legal provisions and international conventions. One of such attempts is the literature and law interdisciplinary approach at promoting justice. This paper underscores the paradigm of quest for justice in postcolonial Nigerian fiction. The study draws textual references from selected third-generation Nigerian novels represented by Helon Habila's *Waiting for an Angel* and Bina Ilagha's *Condolences*. The paper demonstrates that, the post-independence fiction corpus is dedicated to enthronement of justice in both stylistic and thematic outlooks.

Keywords: Quest for justice; Nigerian fiction; third-generation; interdisciplinary commitment; law and literature.

1. Introduction

This paper interrogates the quest for justice as a post-independence engagement paradigm using Helon Habila's *Waiting for an Angel* and Bina Ilagha's *Condolences* as textual reference. Located mainly in the interdisciplinary discourse of law and literature, it is argued that, the quest for justice is motivated by a desire for exposing the ills and contradictions of the socio-historical realities in third-generation novels. The quest for justice paradigm therefore positions the interdisciplinary aesthetics of law and literature, with a view to exposing the injustice and breakdown of law and order in the society. The paper is premised on the mission statement of the Law and Literature program at the University of Toronto, Canada. (Available at http://www.law.utoronto.ca/visitors_content.asp):

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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.

Using the above conception on the interconnection of law and culture, literature being an integral part of culture, this paper shall explicate how Bina Ilagha's *Condolences* provides a thematic example of manifestation of domestic justice and its consciousness in a post-independence setting within the Nigerian state, on the one hand, and the extent to which Helon Habila's *Waiting for an Angel* highlights the public dimension of justice - its violations and the absence of rule of law under the Abacha dictatorship in Nigeria, on the other. The two novels come across as literary expressions that aptly fit in the description of law and literature scholarship.

One notes that there has been an increasing interest among scholars on the law and literature interface. Arguments vary as to whether law can advance the course of literature given the ultimate aim of the former to ensure justice which the latter addresses in several themes. In addition, the rhetorical qualities of literature have also attracted interest as an essential component of legal scholarship (Balkin & Levinson, 2006; Schneck, 2007). It is however becoming clearer to scholars that law and literature can form a symbiotic relationship towards advancing the cause of justice, which seems to be at the heart of the two disciplines (Blumenthal, 2007, Biet, 2008). This is against the initial doubts expressed by scholars like Duong (2005) in "Law is Law and Art is Art and Shall the Two Ever Meet? Law and Literature: the comparative creative processes". According to him:

notwithstanding overlaps and similarities, the two disciplines, Law and Art, remain divergent and incompatible in three core aspects: (i) the mental process of creation and the utilization of facilities, (ii) the work product or output, and (iii) the *raison d'etre* of law versus art. In fact, the rationality and logic properties of law – the objective of rendering certainty to uncertain future outcomes so as to achieve and maintain order – will interfere with, and can even destroy, the creation of art.

It should be noted however that law and literature have formed an interesting combination in critical discourse and have proved worthwhile in notions

like equity, justice, and the question of human rights as well as the dispensation of justice (Porsdam, 2009). Arguments in this regard favour the emerging interdisciplinary focus of engagement given the fact that the advancement of humanity is essential to the two disciplines. As a matter of fact, it is interesting to note that if literature is appreciated as a cultural production, just like what generally obtains in pre-literature African societies, then law would then be a sister discipline to literature as both are culturally distillates. By this, one refers to an understanding of how the foundation of modern juristic thought is a derivative of an epistemological continuum which naturally derives from interrogations of culture. Interestingly, in the African pre-literate society, culture is taken as an embodiment of worldview, philosophy and religion of the people, from which the ethical foundation of modern law derives (Makinde, 1988). The point therefore is that, law and literature as a paradigm of engagement is a strategic path for literary preoccupation since both are concerned with the edification of humanity, especially as it concerns justice and the rights of the individual in both domestic and public spaces.

To this end, this paper analyses the quest for justice in Bina Ilagha's *Condolences* and Helon Habila's *Waiting for an Angel*. The essence is to 'dimensionalise' the concepts of justice and situate same within the aesthetics of law and literature paradigm and how this accentuates the thematic objectives of the novelists. This is because, for Bina Ilagha, *Condolences*, is a study in modern equity and trusts, as well as human rights/women rights while *Waiting for An Angel* provides insights into human rights, the rule of law and the judicial system as a whole. The quest for justice is therefore enunciated at the level of the individual and the society in the respective texts.

2. Questing for Domestic Justice: Bina Ilagha's *Condolences*

Set in Nigeria's Niger Delta region, Bina Ilagha's *Condolences* is the story of a self-made man, Pere Alazibo, who defies all odds to succeed in life. Ilagha uses the untimely death of the late business mogul to draw attention to social injustice and ignorance of modern legal requirements even by elites. While this study does not intend to harp on the inherent issue of injustice of oil exploitation that the novelist carefully weaves into her story, it is certainly difficult to totally overlook same. The reasons are not unconnected with the elaborate description of the novel of the environment where the plot of the story germinates from. In fact, Alazibo's untimely death has links with the pervading issue of social injustice and infrastructural breakdown, evidenced in the bad road on which the protagonist had an accident "having somersaulted over the corrugated bridge between Kaiama and Sagbama". By drawing attention to the state of infrastructure in the Niger Delta region in the novel as early as the opening page, the novelist betrays her inclination for a socially responsive narrative, especially as a narrative which is dominated by the quest for

justice on the plight of a people whose oil wealth is paradoxically used to run the Nigerian nation. A sympathizer at Pere's residence laments:

His anger fermented against a government to which common maintenance culture was alien. How else could Pere's death be explained? If the East West road built some decades ago had been regularly and properly maintained, his friend would still be alive (Ilagha, 53).

Condolences probes deeper than social injustice, or rather, one can assert that Ilagha's approach at contextualizing injustice flows from the individual to the larger society. Here lies the significance of her narration of injustice from the domestic perspective. The novelist realizes that awareness of the law is a *sine de qua non* to the overall quest to assert human rights. She dwells on the domestic especially the legality of marriage and the right of the parties in a peculiar way. In fact, she protects Pere's widow by affirming her right as the husband's next of kin; this is notwithstanding Pere's extra-marital affairs. Bina Ilagha's position on the issue can be seen in her narration of the extent to which Pere goes to consummate the marriage to Atari-Joy:

But from the very day he set eyes on Atari Joy, he knew he had found the woman he could proudly call his wife. The supernatural force which propelled him towards her kept him going through the storm of family objections and threats to boycott the marriage ceremonies. With the traditional ceremony safely behind them, he went further by taking Atari-Joy to the registry...And that was how, to the consternation of relatives, ex-lovers, friends and well wishers, Atari-Joy became his legal wife (Ilagha,43).

Twice lucky, having benefited earlier from adoption at the Motherless Home, Atari-Joy becomes a full beneficiary of a legal consciousness pursued to the letter by her late husband. The author deliberately uses this to position and empower the feminine will in Atari-Joy to confront what looms. Even though the issue of widowhood which is a cultural practice appears unresolved throughout the novel, there is no doubt that Ilagha already gives a hint as to the direction it would eventually go. This is given the fact with Zebullon, the lawyer, by her side; they are able to get round knotty issues of creditors and debtors of Pere. One suspects that the author deliberately tries to illustrate that law as an instrument is the answer to dehumanisation and injustice.

Another manifestation of aesthetics of law in *Condolences* is in the areas of contractual agreements. It is bewildering that despite the level of sophistication of the

hero, Pere engages in undocumented agreements in his lifetime. This shows that despite the presence of a legal system, several citizens hardly subscribe to same, relying unfortunately on informal agreements and delicate age long trust and beliefs in human integrity. This explains the debacle of ex-Senator Ogbayefa whom Pere had assisted to transact some business:

He began with a dozen apologies. Then with great difficulty, he told her the business Pere had helped him secure and how he was waiting for her husband to arrive with a cheque of \$1.5 million on that ill fated trip. He shed tears as he told his story ...He pleaded with her to have mercy on him and see if he could get the cheque which was in Pere's business name (Ilagha, 164).

If Ogbayefa's claim is shown as legitimate, someone like Tayo Omagbemi clearly instantiates a case of betrayal of trust. Though Pere granted him a loan on trust and on the basis of their friendship, Tayo sees no reason in honouring a gentleman's agreement by paying back what he owed the deceased. Rather, he chooses not to redeem his pledge since he thinks his creditor is no more:

Tayo had borrowed the sum of one million naira from Pere. He had always promised to pay back, but now, he wouldn't have to. He had only come to confirm Pere's death, so he could declare himself debt free...

He didn't want to take chances. It was better that he could not be traced, even if there were papers in Pere's possession to prove his indebtedness, than to foolishly wait and get caught. And, if matters came to a head, he was ready to swear that the sum had been paid back. Heck! (Ilagha, 50, 51)

Ilagha uses the above scenario to underscore the seeming unreliability of human beings and the role law plays to compel responsibility. This is because, had there been a record of the transactions above, there would have been no hiding place for defaulters. As shown above, this does not augur well for Pere, either as a creditor or even as a debtor.

Literature as a tool for advancing the cause of justice is prominently showcased in Bina Ilagha's novel. The novelist laments the Nigerian Land Use Act of 1978, which as she shows, has contributed to the neglect of the oil producing region. Ilagha explains:

The matter has become a very complex one .There are laws which undermine our authority over what rightly belongs to us...The federal government has claimed all the land that belonged to our forefathers. Even the very ground on which your hut now stands could be taken from you if they find oil in it...

The laws of the country say that everything below the ground belongs to the federal government”(Ilagha 155,156).

Ilagha’s argument here is of both legal and logical significance. Why would a government that has legislated by fiat on natural resources not go the whole circle by taking responsibility of the aftermath of oil exploration? What is seen is the abdication of same as shown in the remark that “the erosion menace doesn’t seem to belong to government” (156). Ilagha’s *Condolences* therefore draws attention to this constitutional illegality while at the same time carpeting the British Amalgamation of 1914, which she likens interestingly to marriage partnership, with the Federal Government the obvious culprit. Ilagha speaks for Nigeria’s ethnic nationalities and endorses an intellectual agitation:

He cursed the British who had inadvertently married them to a greedy and insensitive spouse without their consent. He was bitter against a selfish partner who would gladly cart away the wealth of the land but complain about the difficult terrain when required to satisfy the partner’s need on the same land. (Ilagha, 157)

The point from the above is that Ilagha’s refractive temper as a writer favours a comprehensive legal and constitutional reform of the nation’s federalism. This is with a view to addressing the tension of ethnic nationalism and militarism which continue to manifest in more volatile dimensions in the Nigerian body polity. This implies that, through literature’s powerful lenses, the narrative of justice enables a practical way out of a socio-political malaise. West (1988:23) states that:

The centrality of texts to the form and substance of a community's moral and social life suggests that the role of legal texts in our community must be fundamentally reconceived. We ought to think and read legal texts, not as political or positive commands, but as texts which both constitute and constrain the community's moral commitments.

In essence, *Condolences* partakes of advocating for social justice in this regard by contextualizing the issues in its thematic development. Bina Ilagha also attempts an

interrogation of the nation's labour laws, *vis-a vis* job security of people in private employment. Even though this could be seen as an indirect commentary on the state of society and the scary statistics of unemployment, she nonetheless shares the agony of individuals who, though employed, are not covered by the existing labour laws which seem to be more concerned with people in the public sector. Ilagha shares in the agony of Pere's employees through the introspection of Adams Kadi:

He bit his lower lip until it bled. His heart ached within him. What was he going to do about his wife and children? His wife had told him on the very first day of interview for employment at Pere's company that she did not like the idea of working for an individual...She had told him there was no job security or any hope of a pension scheme in a one-man business outfit, and she was right (Ilagha, 109).

While Ilagha may not necessarily imagine all citizens can be employed by the government, she nevertheless advocates a social welfare scheme that takes care of both in both public and private organizations. Interestingly, this is one of the key objectives of Pension Reform Act (2004) in Nigeria which is still basically in its learning stage, as ensuring compliance especially by private sector employers remains a seeming intractable challenge. This is however achievable, as Ilagha indirectly suggests, once there is the political will to see to the full implementation of the provisions of the Act. Therefore, Ilagha's narrative as a law and literature text engages labour matters and the plight of workers, suggesting these deserve attention by policy makers and society at large.

Furthermore, the novel also raises human rights consciousness. This is skillfully achieved through the issues of widowhood, quality of life and the welfare of citizens in the setting of *Condolences*. As a metaphor or purgatory essence, the condolence register as such offers an opportunity to probe the plight of the people and the unresponsiveness of government. This is well instantiated in the story of Kabo, whose ambition to become a medical doctor in Bulgaria, was truncated when his scholarship funds were not forthcoming. Swallowing his pride, he offers to return home and was subsequently deported after spending three sessions in medicine. He subsequently becomes a psychological wreck:

The frustrations of this highly intelligent man were drowned in liquor whenever he laid hands on some money. His few sober moments were full of tears and curses on the Federal Government. He knew that some of his fellow students lived well, their monies regularly paid to them...And, to his chagrin, he was discriminated against right at the embassy where he had hoped to receive some sympathy (Ilagha, 71).

The significance of the above for a reading of *Condolences* as a legal narrative is twofold. First is the issue of violation of a voluntary contract which makes the Nigerian government liable for breach of contract as regards the scholarship programme. What Ilagha points attention to is the fact that by breaching the agreement with Kabo, the government is liable of damages and this can be enforced in a court of law. This however largely borders greatly on the level of awareness or consciousness of the right of parties concerned to the provisions of the law. The point therefore is that with law properly exploited, citizens have a lot to benefit, and society is bound to be less inhuman.

Another legal challenge that *Condolences* poses as a narrative using Kabo's experience is the seeming insensitivity of Nigerian diplomatic missions. This transcends moral suasion but is a legal issue which borders on the provisions of international law. The novel draws attention to the improprieties experienced by Nigeria citizens and questions the relevance of such moribund offices. This is because; embassies are seen as micro-governments in international legal reasoning. As such, the failure of the embassy to provide succor for Kabo, constitutes a denial of his rights even away from home, is a subject of constitutional and international legal conventions.

Reading Bina Ilagha's novel as an exemplar of the quest for justice paradigm within the law and literature concern exposes one to the realities of legal consciousness in the milieu of the work. The impression one gets from Ilagha's ideology as a novelist, is that a consciousness of the law is key towards asserting one's rights in all facets of human existence in post-independence Nigeria. Also, the novel clearly demonstrates the relationship between a proper appropriation of the law and its recognition with a view to re-ordering society. The essence is to demonstrate that from the domestic arena, the law has no limitation in being a worthy partner in making literary representations agents of social and economic advancement.

In other words, Bina Ilagha's attempt at contextualizing justice has both negative and positive connotations. On the one hand, the alliance between Zebullon and Atari-Joy demonstrates the essence of being legally conscious and illustrates the role of law in upholding justice. In the novel, the survival of the estate of Pere Alazibo is shown to largely depend on the exploitation of the legal essence of equity and trusts; the empowerment of his widow seems to largely derive from her status as the legal wife of the deceased. This gives her the *locus standi* as the rightful next of kin. On the other hand, Bina Ilagha also contextualizes the injustice of the enabling milieu in her vivid depiction of the paradox of oil wealth and the economic status of the citizens. The fact that the country remains underdeveloped shows that the existing legal provisions guarantee same. Ilagha also positions the law, in conjunction with literary preoccupations and other forms of artistic productions, as the most viable alternative in bringing about change.

Bina Ilagha shares the same temperament with Helon Habila in *Waiting for An Angel*. As a matter of fact, both texts complement each other as narratives which deploy the law and literature paradigm. For Ilagha, the focus flows from the domestic

through the larger society, while Helon Habila takes on the larger society headlong. In other words, the contextualization of justice in Habila appears to represent a continuation of Ilagha's agenda. Both texts therefore illuminate the challenge of narrating justice as well as representing socio-historical injustice. It is in this other arm of contextualization that Habila is visibly grounded. This is contrary to the subtle domestication Ilagha portrays, as discussed earlier. This necessitates the focus of the ensuing paragraphs.

3. Engaging (In) Justice in the Public Sphere: Helon Habila's *Waiting for an Angel*

In Helon Habila's *Waiting for an Angel*, the novelist contends with issues of collective agency as well as subject-hood which define the search for idiosyncratic affirmation of the self in writing and the limits imposed in the quest for transcendentalism. As such, the self encounters a limit in the process of navigating complex and somewhat confounding cultural imaginations and representations. This paves way for a subjective interrogation of the relationship between a people and the epistemological expressions generated in their cultural activities. Hence, an individual is made aware of the limitations of his/her intellectual predilections and is eventually conditioned to be aware of the socially diverse consciousness. This is to say, the collective draws strength from the individual self-acclamation while the individual is a sub-set in the equation. The point is that Habila attempts to reverse the concept of self, the function of writing and redefine the imperatives of political engagement in the new generation of writers. African literary tradition thus seems re-emboldened to cope with emerging diverse social tensions in the milieu.

In essence, there is ample evidence to demonstrate that Helon Habila, in *Waiting for an Angel*, re-affirms and reclaims the writer as a public intellectual whose social function is a given. In fact, in trying to unify the creative mind and the intellectual, Habila suggests that there is need for an engaging intellectual process in creative performance aimed at socio-historical reconstruction. This is like making that social "life of the [creative] mind" a major critical concern (Said, 1994: 16). This is achieved in a fusion of both the material and the ideological to energize the creative muse with a view to repositioning the functionality of the creative enterprise in relation to its milieu of production. To clarify a little is to immediately note that Habila does not downplay the creative writer or the intellectual; but seems to champion a model for literary intellectualism which ultimately becomes a pivot for literary engagement. Habila therefore clearly acknowledges the role of the African writer as a major actor in social commitment aesthetics, while writing, as a tool, becomes a weapon for mobilizing the collective consciousness against forces of socio-economic and political annihilation. This is a reaffirmation of the tradition already championed by the first generation of writers such as Achebe and Soyinka, but with a slight

variation in the sense of exploration of Sartrean *historical particularity* which proclaims the writer as at the centre of ideological and subjective imagination in the larger picture. The implication is the evolution of a new creative self, who battles the inherent contradictions of the public rot, and aligns with the people.

In *Waiting for an Angel*, the literary intellectual in Habila navigates a trying period in Nigeria's political history. Nigeria was under the maximum rulership of a despot, Sani Abacha whose reign inflicted unquantifiable pains and the country was totally terrorized, which is the overall pervading mood in the novel. Nigerians watched helplessly as their country degenerated to a pariah nation heading for collapse and extinction. Coming at the wake of the June 12, 1993 presidential elections that was aborted, the hope and optimism in the country was buried and replaced with total despair. The transition to Abacha's repressive tribe was a bewildering experience which almost earned Nigeria isolation in the committee of nations. At the height of international hostility, Abacha's summary execution of Ken Saro Wiwa, a writer and an environmental activist, earned the regime several sanctions from the international community. The population, especially the youths, became enervated and disillusioned. To use Tejumola Olaniyan's words, Nigeria became "the postcolonial incredible" (1995:2). Hence, depicting Nigeria under the grip of Abacha by third-generation writers was as a result of its singular implications for literary creativity. In fact, the regime was anti-intellectual and anti-creativity. Writers, just like the political class and organized civil society, were all victims of state persecution. Writers thus resorted to exile, silence or sycophancy while several were imprisoned.

Habila attempts to reconstruct the period described above in *Waiting for an Angel* and situate his mandate of social engagement within this context. The novelist's craft at representing chaos and social dysfunctionality that were Nigeria's hallmark in the 90s, eminently demonstrates the intensity of the social relevance of the writer. The writer in Habila, conscious of his duty and responsibility to public life, engages the social strife prevalent in the milieu. This brings to the fore the intellectual scholarship model mentioned earlier and how same applies to scenarios that require contestations to stifle public truth. In projecting the self therefore, Habila satisfies the mandate of the traditional African literary intellectual by adequately functioning as a social visionary within a socio-historical circumstance, thereby persistently championing social justice.

The discourse of literature as satirical is said to be quintessential to African literature owing to its circumstances of cultural and political realities. Helon Habila represents a defining moment in this tradition. As a significant work produced in the twenty-first century, *Waiting for An Angel* occupies a symbolic place; either as a prison narrative or even as a member of the larger corpus of works of political activism. Starting from the setting of the novel in a prison through the psychic cum neurotic significance of the narrator as an inmate, the novel instantly draws attention to its essence as a legal narrative "In the middle of his second year in prison, Lomba

got access to pencil and paper” (Habiba,1) . This sentence invites one’s consciousness to the metaphorical import of a pen and paper, as well as the setting which connotes deprivation. The novelist continues:

Today I begin a diary, to say all the things I want to say, to express myself because here in prison there is no one to listen...Prison chains not so much your hands and feet as it does your voice (Habiba,1).

Habila opens his narrative in this manner for a number of reasons. The most significant is to highlight the decay and state of the prison system, especially in a period he describes in his “Afterword” as “a terrible time to be alive” (223). The prison is therefore given prominence to dramatize the legal import in the novel. Central to this revelation is the question of human rights, even for inmates. Bamgbose (2010), quoting in part, Wechsler, (1999) posits that:

Prisoners have rights. Although they are incarcerated and some of their rights such as the right to freedom are suspended during the period of incarceration; other rights such as right to dignity must be respected...The prison culture has always been dominated by aggression, running counter to the values of humanness, softness, openness, and anti-oppression.

If the above paints the ideal situation, what obtains in the post-independence African society is certainly contrary. As Dunton (2005:120) observes about prison writings generally,

Prison writing is very often produced under severe constraints, such as censorship and the denial of writing materials. Further, the authors of detention diaries and similar autobiographical accounts are confronted with some problematic choices regarding the scope and mode of documentation.

Dunton’s revelation above captures the mood and setting of prison writing tradition, with previous works from writers like Wole Soyinka in *The Man Died* and Ngugi wa Thiongo in *Detained*. However, as with texts with legal aesthetics, the writings can be useful in criticizing the prison system, which is an integral part of a country’s judicial administration. Helon Habila pursues this conscientiously in his novel *Waiting for an Angel*. While not downplaying the symbolism of deprivation to the human mental faculty, the novelist also demonstrates that in a law and literature context, *Waiting for an Angel* is an opportunity to agitate for prison reforms and a total overhaul of the Nigerian judicial system. Since Lomba is a victim who experiences the harsh and

inhuman conditions meted by Nigeria's despotic ruler, Sani Abacha, he is positioned eminently as an informed critic of the entire system.

The first aspect of the judicial system which *Waiting for an Angel* engages is the fate of Awaiting Trial Persons. It is instructive to note that the entire prison system seems overwhelmed by awaiting trial cases. This has been identified as the major cause of congestion in prisons. Bamgbose (2010:52-53) laments:

Awaiting Trial Persons continue to suffer. In the prison system, they can be referred to as the forgotten ones...Statistics show that ATP form about 65% of the prison population in Nigeria. This has greatly contributed to the problem of overcrowding facing prisons everywhere.

The crowded and debased prison life depicted above is the setting of Lomba's narrative: "I have been forgotten. I am not allowed a lawyer, or visitors. I have been awaiting trial for two years" (Habila, 15). The point, therefore is that, prison reforms are contingent on resolving the issue of Awaiting Trial Persons. This would ultimately mean that the mechanisms of justice would be overhauled and persons in the chain of judicial administration would discharge their roles effectively. Interestingly, though Lomba's circumstance is under the military government, known for flagrant abuse of human rights and illegal detentions, the situation has not improved significantly more than a decade after Nigeria's return to democratic rule. This may then suggest that Habila's thematising of the prison condition in Nigeria is a commentary on the system of judicial administration. His vivid account of the welfare of prisoners and the deprivation of inmates is an indication of the relevance of his novel to the law - and - literature paradigm. Hence literature at the service of society draws attention to the deficiencies of the prison system.

Furthermore, Habila's *Waiting for an Angel* also psychoanalyses characters within the prison system. Language, for example, becomes an indicator of the literacy level of the prison personnel. The poor level of education of the superintendent is exposed in his use of disjointed sentences:

So. You wont't. Talk.You think you are. Tough, 'he shouted. You are. Wrong. Twenty years! That is how long I have been dealing with miserable bastards like you. Let this be an example to all of you. Dont think you can deceive me. We have our sources of information. You can't. This insect will be taken to solitary and he will be properly dealt with. Until. He is willing to talk (Habila, 9)

For someone with the state of mind above, all is certainly not well. It becomes difficult for the official to behave well given the imbalance in his psychology; which may ultimately prevent him from reasoning soundly, and consequently affect his disposition to Lomba. The reality of dehumanization stares the hero of the novel in the face. Habila's picture of dehumanization shows lack of respect for the fundamental human rights of the inmates. It, in fact, depicts a gross violation of humanity and denial of the right to fair hearing. It is as if to say, the accused is presumed guilty, against accepted legal norms which presume an accused person innocent until proven guilty. Therefore, Habila calls attention to the inadequacies of the nation's legal system through the travails of the characters. It is in this light that the relevance of the novel as a textual representation of faulty legal processes is well pronounced.

In pursuit of the law- and- literature interconnection, Habila preoccupies himself with an agenda for reformation. This seems predicated on the belief that the repositioning and total overhaul of the justice system will eventually guarantee human dignity. By drawing copiously from Nigeria's political experiences, Helon Habila demonstrates an abiding faith in the fact that the African writer and its enabling pretext are not mutually exclusive. Consider, for instance, the direct references to the June 12, 1993 political imbroglio in Nigeria, a presidential election adjudged free by local and international observers, but which the military government of Babangida truncated. The fate of the symbol of the struggle, late Chief M.K.O Abiola, and the military usurper, Sani Abacha, attracts the novelist's commentary: "A lot of these political prisoners died in detention, although only the prominent ones such as Moshood Abiola and General Yar'adua made the headline" (Habila, 32).

The above represents the historical relevance of the text as well as its subtle indictment of a faulty judicial system during the military era. It also highlights the instances of violation of the law, given the preponderance of illegal arrests and detention without trial, under the dictatorial regime of Abacha. The novel however comes out as a worthy literary intervention for both a reflective and refractive agenda. As noted by Chirman (2010:65):

Habila takes "representation" as the primary target of analysis and makes an elegant evocation of the truth and commitment in art... The final triumph of his pen to state the horrendous events of an era is the point in focus. The novel is a success story of an act of defiance and the struggle to create truth in a dystopia and to assert in the process the fundamental right to express the only truth.

The inference from the above is that Habila deploys imagination in constructing reality, since he believes that "every oppressor knows that wherever one word is joined to another to form a sentence, there will be revolt" (Habila, 195). He therefore unites especially individual freedom with communal liberation. Therefore, in championing

social change, the delimiting factors, ably represented in *Waiting for an Angel* by the prison metaphor, the writer appropriates the positive force of imagination to envision the ideal and points the attention of the society in this direction.

Furthermore, Helon Habila's *Waiting for an Angel* derives its grounding as a legal narrative as a result of the peculiarity of its setting. The aberration of military rule is first and foremost, an issue that concerns constitutional rule. Also, the immediacy of prison as a trope shows that freedom is an imperative for social development. In other words, literature ever-recurring role as a tool for socio-political engineering is largely dependent on the thematisation of the laxities in the instruments of state. This is because the germination of the ethos of freedom, equity and fairness, is intertwined in the enablement the environment provides. Habila points to the fact that, military rule is akin to lawlessness. Also, *Waiting for an Angel* demonstrates that law and order thrive most under constitutional rule. Habila illustrates as follows:

Can't you see what is happening? The military has turned the country into one huge barracks, into a prison. Every street out there is crawling with them; the people lock their doors, scared, scared to come out. (Habila, 50)

Waiting for An Angel therefore demonstrates that police brutalities, breakdown of law and order, jungle justice as well as various illegalities derive from the pervading atmosphere of unconstitutional rule. For instance, the civil police refuse to be "civil" in Bola's case as he is dehumanized:

We flinched as our eyes fell on his bare torso: every inch was covered with thick, punctured weals. He had been systematically beaten from face down to his legs .One arm was fractured – it lay by his side in a thick plaster .And he didn't recognize us. (Habila, 75)

This clearly shows the elusiveness of justice in the novel's enabling milieu. In clearer terms, the quest for justice is a factor in the thematic preoccupation of Habila's novel. The implication of this lies in the fact that once a system does not guarantee justice and equity, the society is bound to be retrogressive. Through Habila's skillful construction of this story of injustice, the search for justice as such is a motivating factor for the narrative. It is as if to say literature in *Waiting for an Angel* joins forces with law to enthrone justice. This can be further understood given the enormous role that great literature can play in the understanding and creation of the intricacies of human existence. This is grounded in the full realization of the enormous pedagogical potentials of literature. Literature thus helps in reinforcing society's laws and also promoting the embedded values that unite humanistic cultures.

The point is that *Waiting for an Angel* stimulates the readers' ideas and feelings about the necessity of justice. Equally important is the concretization of the desire to detect and pursue justice. In other words, there is a discerning capacity which Habila's fictive universe radiates for a distinction between justice and injustice. According to Ruthann Robson, a famous law-and- literature theorist,

Law and literature can seem oppositional, but they are two different methods of accomplishing social change. Law is an important technique that can be used to promote progressive justice. Literature offers a similar opportunity because people are changed by what they read and by what they write, as they can be by all creative arts. Of course, both law and literature can be instruments to preserve the status quo or to promote repression. (<http://www.ruthannrobson.com/law-literature>):

Helon Habila's *Waiting for an Angel* fits into the description above in its deployment of the quest for justice engagement paradigm. The above also finds expression in Lomba's remark that "while I was there, I realized why it is important to agitate against injustice, no matter the consequence" (Habila, 165). In other words, the concern for thematising injustice is eminently grounded in *Waiting for an Angel*, which is a testimony to Achebe's observation, cited by Onukaogu and Onyerionwu (2009:63) that :

A new situation has thus risen. One of the writer's major functions has always been to expose and attack injustice. Should we keep at the old theme of injustice (sore as it still is) when new injustices have sprouted all around us. I think not.

The import of the above statement lies in that the theme of injustice has been a recurring motif in the African creative imagination. Literature is, therefore, in good standing to contextualise injustice and advocate paths to socio-historical reengineering.

4. Conclusion

One can therefore safely assert that, the aesthetics of law- and- literature as a paradigm permeates Habila's *Waiting for an Angel*. This positions the text as viable for projecting the quest for justice paradigm in third generation Nigerian fiction and provokes an interdisciplinary dialogue founded on a strategy of positive engagement of the realities confronting the self in a society in constant change. This is in total agreement with the Akhmemokhan's, (2008:71) observation that:

The search for justice is archetypal, a timeless all-encompassing human urge which finds expression in creative literature. Consequently, it is of no surprise to find justice a major preoccupation in the novels of black Africa. From the earliest communal works of Chinua Achebe, to current works written by Chika Unigwe and other African authors living in the metropolises of Europe, the archetype has been explored in relation to locale, age, gender, religion, class and race.

It is deducible from the above contention that the quest for justice as a paradigm of engagement underscores the convergence of literature and law in third-generation Nigerian novels. This is further shown to be a tradition modified over time, which runs from the earliest writers, represented by Achebe, to the twenty-first century writers, which Unigwe ably represents in the above excerpt. The implication is that, the contextualisation of justice and injustice, as the case may be, is an imperative for the third generation Nigerian novelist. What unites law and literature is the edification of the human essence through the quest for justice and this finds adequate voice in the emerging generation. Bina Ilagha's *Condolences* and Helon Habila's *Waiting for an Angel* therefore engage issues bordering on injustice. The quest for justice paradigm therefore is a call to action. This is demonstrated through raising of consciousness to the vital aspects of law that have been bastardized to positioning literature as a tool for restoring lost hope and accessing justice.

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