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**Colonialism, African Women, and Human Rights in *Nervous Conditions* by
Tsitsi Dangarembga**

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A mini-dissertation in partial fulfilment of the requirements for the
degree

Masters in Multidisciplinary Human Rights

Multidisciplinary Human Rights Programme

University of Pretoria

Faculty of Law

15 November 2016

Declaration of Originality

I, Sekai Zhou, declare that the work presented in this dissertation is original. It has never been presented at any other university or institution. Where other people's work has been used, references have been provided, and in some cases quotations made. It is in this regard that I declare this work as originally mine. It is hereby presented in partial fulfilment of the requirements for the award of the MPhil Degree in Multidisciplinary Human Rights.

Signature: Sekai Zhou

Date: 15 November 2016

Abstract

The Universal Declaration of Human Rights (UDHR) in 1960, with its emphasis on protection and promotion of human rights, signalled a new path for the likely achievement of equality, democracy, and world peace. However, challenges still exist for African women despite the promise that human rights hold. My curiosity is why this seemingly perfect solution to world problems has not worked and is not working.

The study, firstly, aims at exploring the effect of colonialism on African women's lives in Tsitsi Dangarembga's *Nervous Conditions* and how it is still evident in postcolonial present. Secondly, it examines how the text challenges the classic *bildungsroman* and how this aids as a test to the celebratory human rights story of today. Finally, it investigates the relationship between colonialism and human rights and the role religion and patriarchy plays.

In pursuit of the central research problem, I use Law and Literature in an attempt to understand the inadequacies of Law. Law and Literature allow for a detailed literary analysis of Law and legal systems. *Nervous Conditions* provides realistic scenarios of the continued oppression of African women in African society. While the celebratory human rights story is triumphant and successful, Dangarembga's subversion of the classic *bildungsroman* points to the oppressive condition of African women and the inadequacy of human rights. African women in Dangarembga's stories have no successful end as the norm for a classical *bildungsroman* plot. Colonialism and its legacy, patriarchy and religion still have a hold on African women, rendering promised celebratory human rights narrative unattainable. Literature has the opportunity to expose African women's issues not addressed by Law.

In a bid to show the effects of colonialism and its continual hold in Africa and specifically for African women, I employ the postcolonial theory that enables me to show a society divided along the lines of gender, race, and material possessions. The postcolonial theory also reflects the Eurocentric ideology that drives the colonial mind-set and its continual existence. I examine *Nervous Conditions* using Critical Discourse Analysis (CDA), which allows for dissection of the text through searching critically for incidents that display power, control, and authority along gender lines, places, and positions within the society. I also critically look at Dangarembga's language usage that reflects those power differences and structures in *Nervous Conditions*.

As reflected in *Nervous Conditions*, struggles for African women continue even in post-independent Africa. The presence of human rights remains a promise for many African women.

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Abbreviations

ACHPR	African Charter for Human and Peoples' Rights
AU	African Union
CDA	Critical Discourse Analysis
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
ICJ	International Court of Justice
NGO	Non-Governmental Organisation
SDG	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
USA	United States of America

Chapter 1 Introduction

But in those days it was easy for me to leave tangled thoughts knotted, their loose ends hanging. I didn't want to explore treacherous mazes that such thoughts led into.¹

The 1960 Universal Declaration of Human Rights (UDHR) promised a new path for the achievement of equality for all people. It gave hope to an end to all disputes in humanity. The UDHR held a promise to end colonialism and to liberate Africa and specifically African women. In short, it seemed like one of the best ways to solve various differences. The UDHR emphasises the protection and promotion of human rights, seemingly, across all world cultures, protecting democracy and freedom in the world. Why have human rights apparently failed to resolve issues of colonialism, patriarchy and the recognition of African women as equal players in their community? Could Literature shed light on what Law has not recognized and realized?

The research problem queries why the world is full of inequality, discrimination, and other harmful acts, yet the system of human rights is presented as a solution for these problems. Human rights symbolise the coming of age of the world on issues of democracy and freedom. However, Tsitsi Dangarembga's *Nervous Conditions* invites a number of questions regarding human rights as an answer to the world's problems.

The study aims firstly to explore the effect of colonialism on the lives of the African women in the text *Nervous Conditions* and how it is still evident in the postcolonial present. Secondly, it examines how the text challenges the classic *bildungsroman* and how this aids as a test to the celebratory human rights story today. Lastly, it investigates the relationship between colonialism and human rights and the role of religion and patriarchy.

In order to clearly address the central research problem, I start by briefly exploring approaches to human rights. According to Makau W. Mutua, human rights form a crucial part of the existence of people.² In support of this, Michael Freeman writes that human rights ethically guards key human interests from the misuse of political power.³ In addition, Christoff Heyns explains human rights as concerned with people living in peace, but also having a potential for a revolution if there is a violation of rights.⁴ From these views, human rights are at the core of the survival of human beings since they guide the relations between individuals in a society.

¹ T Dangarembga *Nervous Conditions* (2004)118.

² M Mutua *Human Rights A Political and Cultural Critique* (2002)15.

³ M Freeman *Human Rights Key Concepts* (2011)67.

⁴ C Heyns 'A "Struggle approach" to Human rights' in C Heyns & K Stefiszyn (eds) *Human rights, peace and justice in Africa* (2006)17.

Failure to accord human rights the place they deserve in society results in wars, gender imbalance, racism, and a whole host of other societal ills. However, this study seeks to understand why human rights have not been successful in solving the societal ills despite that they hold such promise. In order to understand human rights inadequacies, I turn to Law and Literature in an attempt to find answers.

One of the leading contemporary authors in the Law and Literature field is Martha C. Nussbaum. For Nussbaum, 'Literature focuses on the possible; inviting readers to wander about themselves' allowing for 'the potential to make a contribution to the Law in particular, to public reasoning generally.'⁵ For a detailed understanding of what Law and Literature is and its relevant response to why human rights has not been successful in solving the world's problems, I turn to Maria Aristodemou who explains it as:⁶

...a school within legal theory that encourages an inter-disciplinary, critical and cultural analysis of law and legal systems. It discourages the hermeneutic study of law; the idea that legal reasoning is autonomous or unique in its methods; and instead advocates a situated understanding both of the subject of law and the legal subject: "it hopes to enhance our understanding of ourselves as subjects of language, law, and culture."

This definition is critical to what this study hopes to do, namely to use *Nervous Conditions* to understand why the promise of human rights has not been successful in resolving African women's challenges. Law and Literature has the ability to situate African women's problems in a manner that Law on its own cannot. The Law and Literature school believes Law is not independent of other fields, in this case, Literature. In other words, Law does not have all the answers to solving disputes. I expand on this debate in Chapter Two.

In consideration of the central research problem, I explain the relevance of Law and Literature in understanding why human rights have not been effective in solving problems facing African women. James Boyd-White explains that both Law and Literature appeal to reason and emotion, politics and aesthetics.⁷ Gary Minda clarifies that the Law and Literature movement in America grew from the belief that language is at the core of clarifying both fields.⁸ In addition, Patrick Lenta refutes the autonomy of Law and Literature as both use same laws of interpretation.⁹ From these explanations, the Law and Literature field has the ability to make

⁵ MC Nussbaum *Poetic Justice : The Literary Imagination and Public Life* (1996)5, xv.

⁶ M Aristodemou *Law and Literature Journeys from her to eternity* (2000)10.

⁷ J Boyd White *From Expectation to Experience: Essays on Law and Legal education 1938-* (1999)53.

⁸ G Minda 'Law and Literature at Century's End' (19 97) 9 *Cardozo Studies in Law and Literature* 246.

⁹ P Lenta 'A neat trick if you can do it: Legal interpretation as literary reading' (2004) 121 *The South African Law Journal* 219.

an in-depth search and analysis of challenges pertaining to African women. Literature appeals to the reader's imagination and emotions and portrays the reality of a people. I will discuss this further in the second chapter of this study.

This study relies on the text by Tsitsi Dangarembga, *Nervous Conditions* in attempt to understand how Literature better informs the truth underlying happenings in the society especially with reference to the success of human rights for African women. The choice of the novel is not only necessitated because it is canonized and read widely but that it sheds light on how Literature can assist Law in becoming more effective in addressing challenges facing African women.

Nervous Conditions is about Tambu, the main character, who is on a personal journey of discovery through the opportunity of education she receives after the death of her brother Nhamo. Coupled with her story, are Nyasha, her cousin, who seeks the freedom to be who she wants to be without Babamkuru's dominance. Nyasha fights back after Babamkuru hits her for coming late into the house after school dance. She responds, "I told you not to hit me," said Nyasha, punching him in the eye."¹⁰ Maiguru, her aunt, battles for her place in her marriage and extended family. In her discussion with Tambu, Maiguru explains how unappreciated she feels, "Your uncle wouldn't be able to do half the things he does if I wasn't working."¹¹ Ma'Shingayi, Tambu's mother, who is ensnared and confesses to Tambu, "this business of motherhood is a heavy burden."¹² Lucia, Tambu's aunt, has her struggle to break through the bars of patriarchy. Tambu describes Lucia as someone 'who had grown shrewd in her years of dealing with men.'¹³ Male characters who are of formidable authority to Tambu's journey are Nhamo, Babamkuru, and Jeremiah - Tambu's father. The novel pursues themes of emancipation, gender inequality, patriarchy, and education. I give a longer summary of the text in Chapter Two.

I am aware of stories about African women and their problems by other African writers besides Dangarembga such as Mariama Ba's *So long a Letter*, Buchi Emecheta's *The Joys of Motherhood*, Yvonne Vera's *Butterfly Burning*, NoViolet Bulawayo's *We need New Names*

¹⁰ T Dangarembga *Nervous Conditions* (1988)117.

¹¹ T Dangarembga *Nervous Conditions* (1988)103.

¹² T Dangarembga *Nervous Conditions* (1988)16.

¹³ T Dangarembga *Nervous Conditions* (1988)129.

but due to time and space limitations I look at Chinua Achebe's *Things Fall Apart*, Chimamanda Adichie's *Americanah* and Njabulo S. Ndebele's *The Cry of Winnie Mandela*.

Dani Izevbaye writes that Chinua Achebe's *Things Fall Apart* retains the top ranking African literary canon.¹⁴ Achebe pioneered the postcolonial novel and postcolonial consciousness that *Nervous Conditions* emulates.¹⁵ In addition, Achebe explores the place of pre-colonial African women in this story even though the main plot centres on Okonkwo. Achebe shows the ill treatment of women when Okonkwo desired if only his favourite child, Enzima, had been a boy. Okonkwo consistently berates her "Sit like a woman."¹⁶ However, despite the presence of women in the story, their story for me seems secondary unlike in *Dangarembga* as the male voice dominates the conversation. In support of this view, Nana Wilson-Tagoe clarifies that 'in the male-authored novels of the 1960s and 1970s, the feminine condition was frequently subsumed within dominant and political themes...'¹⁷

I read women's challenges from a male voice in *Things Fall Apart* as compared to *Nervous Conditions* where even though Babamkuru is the dominant figure and a voice of authority, he does not overshadow the story that Tambu and other women tell. *Dangarembga*'s story is about African women. *Dangarembga* through Tambu rightly explains, '... but the story I have told here, is my own story, the story of four women whom I loved, and our men, this story is how it all began.'¹⁸ It is then critical to note that Tambu and the four women own the story, not the men. She covers a wide spectrum of African women that are represented by various characters in the story ranging from little Rambanai to Tambu's grandmother. *Dangarembga* shows how African women face patriarchal and colonial challenges from a young age. She uses the image of little Netsai carrying Nhamo's bags to show the depth of this problem.

Chimamanda Ngozi Adichie's *Americanah* is a story about two high teenage lovers Ifemelu and Obinze 'her first love, her first lover'.¹⁹ The story traces their attempt in keeping their love together when Ifemelu moves to the USA and Obinze fails to join her after the American embassy did not grant him a visa.²⁰ Adichie's story is set in Lagos, London, and Princeton

¹⁴ D Izevbaye 'Chinua Achebe and the African novel' in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)31.

¹⁵ D Izevbaye 'Chinua Achebe and the African novel' in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)33.

¹⁶ C Achebe *Things Fall Apart* (1987) 40.

¹⁷ N Wilson-Tagoe in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)178.

¹⁸ T Dangarembga *Nervous Conditions* (1988)208.

¹⁹ CN Adichie *Americanah* (2013) 9 (online edition).

²⁰ CN Adichie *Americanah* (2013)21.

where she tackles immigrants, hair, and race issues, which although relevant to African women's challenges, is unsuitable for this current study. This research requires a story about rural African women under colonial rule, patriarchal and religious influence - not the central theme in Adichie's novel. In addition, Ifemelu's story does not represent the full texture of African women compared to *Nervous Conditions*. It is important to have diverse African women as depicted in *Nervous Conditions* to expose challenges African women face. *Nervous Conditions* is an expose' of a cross section of all African women rights and not just a privileged few as depicted in *Americanah*. It therefore embosses that women's rights are also human rights issues.

Njabulo Simakahle Ndebele's *The Cry of Winnie Mandela* short stories do question the human rights system and delve deep into issues affecting African women. However, its setting and context are South African, which if I had chosen, I may not have entirely identified with the context of the stories. Ndebele also chronicles stories of elderly women and wives namely Mannette, Mamello, Delisiwe, and Marara, who imagine to be in conversation with Winnie Mandela while waiting for their absent spouses.²¹ It is important for this study to have a story that shows African women in all texture.

Critical to the relevance of this study is the pre-independence, predominantly rural, after formal colonisation setting in Zimbabwe. Zimbabwe got her independence on 18 April 1980. This story is set around the 1960s and 1970s in the white-dominated Rhodesian communal lands around Umtali (now known as Mutare). Readers learn this when Tambu goes off to sell her mealies to raise her fees and Mr Matimba points, 'That is Umtali'... 'Rhodesia's third largest town.'²² According to Alois M. Mlambo the British entry into Africa and Zimbabwe specifically was a result of the Berlin Conference of 1884 which quickened the colonisation of Africa.²³ Tambu narrates the occupation through her grandmother's story who refers to the colonisers as 'wizards'²⁴ In Zimbabwe, Cecil John Rhodes who believed in British supremacy spearheaded the occupation.²⁵ This white superiority belief persists today. At the same time, religion and western education reinforced the white supremacy philosophy. Mlambo explains that religion and western education greatly affected African people's culture, beliefs and

²¹ NS Ndebele *The Cry of Winnie Mandela* (2003)36.

²² T Dangarembga *Nervous Conditions* (1988)26.

²³ AM Mlambo *A History of Zimbabwe* (2014) 30.

²⁴ T Dangarembga *Nervous Conditions* (1988)18.

²⁵ AM Mlambo *A History of Zimbabwe* (2014)36.

identity.²⁶ Tambu narrates that Maiguru recited an English prayer at supper.²⁷ The African rapidly became part of the colonialist economy as cheap labour after losing the land.

At the time of the initial occupation, the colonisers believed Zimbabwe to be rich in gold but later discovered that it was not so.²⁸ Therefore, they had to find other ways to survive which led to evacuation of Africans from fertile lands to rocky, unproductive lands. This Tambu through her grandmother narrates, 'Wizards well versed in treachery and black magic came from the south and forced the people from the land.'²⁹

At the time set in the novel, Africans had to contend with several Laws such as the 1930's Land Apportionment Act and the Land Tenure Act of 1969 that sought to control the African's space and power.³⁰ In addition, they were rules on education too that favoured whites than blacks. Mlambo notes that colonial education centred on teaching Africans in such manner that they thought they were as good as a white person.³¹ Babamkuru exemplifies this notion as he was '...a good boy, cultivatable...'³²

Crucial to this study is the gender relations during the colonial era. Mlambo illuminates that colonial rule entrenched the position of African women 'as subservient to men' and even made the situation worse by making laws that regarded 'women as minors that could not enter into a contractual agreement without the permission of the husband or guardian.'³³ Dangarembga touches on this when readers see Maiguru struggle to be equal to her husband.³⁴

The setting in Zimbabwe's colonial history sets the tone for the whole story, allowing readers with that background to understand why Tambu and the rest of the women in her family occupy the positions they do and why they struggle to extricate themselves.

Dangarembga's style of writing is unconventional and awakens a literary consciousness. The opening statement, 'I was not sorry when my brother died'³⁵ is rather unusual and thought provoking, culturally, generally, in Zimbabwe, neither does one speak evil of the dead nor

²⁶ AM Mlambo *A History of Zimbabwe* (2014)52.

²⁷ T Dangarembga *Nervous Conditions* (1988)81.

²⁸ AM Mlambo *A History of Zimbabwe* (2014)53.

²⁹ T Dangarembga *Nervous Conditions* (1988)18.

³⁰ AM Mlambo *A History of Zimbabwe* (2014)67.

³¹ AM Mlambo *A History of Zimbabwe* (2014) 102.

³² T Dangarembga *Nervous Conditions* (1988)19.

³³ AM Mlambo *A History of Zimbabwe* (2014)113-114.

³⁴ T Dangarembga *Nervous Conditions* (1988)103.

³⁵ T Dangarembga *Nervous Conditions* (1988)1.

blatantly utter and find joy in it. The opening statement not only sets the tone for the whole book but also directs the conversations about African women's struggles and in itself challenges cultural thinking. Struggles affecting African women are unacceptable and therefore, demand unconventional ways to resolve. From the onset, readers are aware what the story is and what Dangarembga wants them to see and possibly change.

In addition, to show the complexity of the African women's challenges, Dangarembga employs doubling of characters.³⁶ What this means is Tambu compliments Nyasha and Nyasha compliments Tambu. The young Tambu realises what is missing in her life when she moves to the mission to live with Nyasha and her family. Tambu is reserved while Nyasha is open. The first time Tambu arrives at the mission; Maiguru demands that Nyasha greets her cousin at which Nyasha responds that she has already done that. Tambu responds to herself that 'it was so embarrassing to see the way Nyasha thought she could say anything to her mother. I could not know where to look.'³⁷

Dangarembga's deliberate subversion of the classic *bildungsroman* novel, her story of African women and, human rights link is crucial to this study. Wilson-Tagoe emphasises that the reshaping of the classic *bildungsroman* shows several challenges of the feminine condition.³⁸ In this study, I attempt to show those challenges and their link to the celebratory human rights story, therefore, *Nervous Conditions* proved to be a better choice.

Finally, I am from Zimbabwe, as a teacher, I taught the book and I have witnessed patriarchy in my extended family, *Nervous Conditions* proved interesting to my quest to understand why human rights have not been successful in solving African women's challenges.

My drive for this study stems from the premise that human rights present a promise of the world becoming a better place for all people. However, despite the presence of human rights, the world still struggles with human rights violations such as wars, gender discrimination, and terrorism among others. My curiosity pertains to why this seemingly perfect solution to world problems has not worked and is not working. My particular emphasis is African women and their rights today.

³⁶ N Wilson-Tagoe in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)189.

³⁷ T Dangarembga *Nervous Conditions* (1988)74.

³⁸ N Wilson-Tagoe in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)189.

I critically analyse the novel using Critical Discourse Analysis (CDA). Teun A. Van Dijk describes CDA as:³⁹

...a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context.

This methodology allows for the in-depth analysis of *Nervous Conditions*, to bring out the instances that show power abuse, dominance, and inequality. Most critical to this research is that CDA's ability to demonstrate how power and inequality occur, established, replicated and defied.

There are several reasons why discourse analysis is appropriate to this study. Van Dijk explains that CDA is multidisciplinary and problem oriented.⁴⁰ This means this analysis rightly fits into this study as it is from a multidisciplinary perspective and allows me to explore the problem under study and to reveal imbalances that exist within the society. It is applicable to both Law and Literature. Van Dijk adds that CDA does not only describe discourse structures but also shows social interactions and social structure.⁴¹ In this case, I trace the power play between the male and female characters through their interactions within the text. I make use of quotes from *Nervous Conditions* to show the power relations that exist within the narrative. Through these quotes from *Nervous Conditions*, I display who has more power in the relationship and why they have it. Van Dijk explains that in CDA, the resource explains the type of power, which determines the amount of control a group or an individual has on others.⁴²

Dangarembga's language choice reflects the power struggles between the male and female characters. The nature of CDA is such that it makes use of meaning of the text gleaned from the writer's choice of diction. Ngugi wa Thiong'o explains that language is beyond mere words put together but wields an evocative power that transcends ordinary meaning.⁴³ I make use of character descriptions to construct the mind of the characters and their relationships to others. I contend that this method appropriately measures my research objectives, which is to discover the power relations between women and the various aspects of the society that they live in. I

³⁹ TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)352.

⁴⁰ TA van Dijk 'Aims of Critical Discourse Analysis' (1995)1 *Japanese Discourse* 17-18.

⁴¹ TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)353.

⁴² TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)355-55.

⁴³ N Wa Thiong'o *Decolonising the Mind : The Politics of Language in African Literature* (1986)11.

contend that the CDA method is appropriate in evaluating the research outcomes, which aim to explore why human rights have not been successful in resolving challenges facing African women.

I employ the postcolonial approach as it allows me to bring out subtle injustices that the story draws out, especially around the issues of patriarchy, gender inequality, and female subjugation among others. While postcolonialism is a period in history, it is also a condition, a state, and a field of inquiry. However, defining it as a condition allows me to extract elusive colonial injustices left as a legacy to Africa and specifically to African women. In addition, defining postcolonialism as a condition, allows me to trace the root concerns surrounding African women today emanating from colonialism. Also, by using the postcolonial approach, I understand critically the current human rights system especially the way Africa views it. Lutfi Hamadi describes this theory as concerned with European colonialism and its effect on the colonized and its materialization in the Western literary and philosophical heritage especially throughout the nineteenth and twentieth centuries, and the rise of opposition and resistance Literature in the ex-colonies.⁴⁴

I rely on Gayatri Spivak ,a feminist critic, and postcolonialist, to explain the postcolonial approach. She explores re-centring and margins and in her famous 1985 article “Can the Subaltern Speak? Speculations on Widow Sacrifice” which showed the different margins that exist within a patriarchal and, colonially influenced society that affects women.⁴⁵ Spivak’s view is critical to the study as she gives a clear portrayal of the position of the colonised and precisely place of African women. Her views are even more crucial in understanding human rights discourse from a postcolonial perspective especially on who speaks for the subaltern.

Furthermore, the research relies on the work of Law Professor Sylvia Tamale and English and Comparative Literature Associate Professor Joseph Slaughter. Tamale, a Ugandan feminist and women’s rights activist writes extensively on marginalised groups such as women, sex workers, refugees, and homosexuals.⁴⁶ Her research interests include gender, Law and sexuality and women in politics. It is her in-depth understanding of issues affecting African women from both legal and socio-cultural perspective that I find relevant to my research.

⁴⁴ L Hamadi ‘Edward Said: The postcolonial theory and the Literature of decolonization’ (2014) 2 *European Scientific Journal* 39.

⁴⁵ GC Spivak ‘Can the subaltern speak?’ http://abahlali.org/files/Can_the_subaltern_speak.pdf (accessed 06 September 2016) 90.

⁴⁶ ‘Sylvia Tamale’ <http://www.the-isa.org/sylvia-tamale/> (accessed 24 April 2016).

Slaughter's research interests are African, Caribbean and Latin American Literature, postcolonialism, narrative theory and human rights. His relevance to this study is his in-depth understanding of both African Literature and human rights. He brings forth arguments of how Literature helps in the understanding of Law and the link between the classic *bildungsroman* and the celebratory human rights story.

I make use of Martha Craven Nussbaum, an American philosopher, an Ernst Freund Distinguished Professor of Law and Ethics, and a leading authority in the Law and Literature field. She extensively publishes journals and books centring on issues of justice, women, feminism, Ethics, Law, and Literature.⁴⁷ One of her works relevant to this study among others is *Poetic Justice: The Literary Imagination and Public Life* and *Poets as Judges: Judicial Rhetoric and the Literary Imagination*. Nussbaum uses Charles Dickens' *Hard Times* to express the value of Literature in affording justice in the society. Nussbaum explains that readers recognize characters that face travails because like in any ordinary life, problems are part of it.⁴⁸ Readers easily recognize their pain, therefore, take the time to understand and imagine themselves in the same predicament before desiring to change the situation for the better.⁴⁹ This is the power and relevance of emotions in acquiring justice.

Nussbaum's work *Women and Human Development* calls for a relook at women, development and justice in poor countries specifically in South Asia. In this work, Nussbaum touches on the Capabilities approach as a possible addition to the human rights solution of addressing gender imbalance.⁵⁰ This approach asks 'what is she actually able to do and to be'.⁵¹ In other words, the Capabilities approach dismisses the mere mantra and contentedness that African women have rights. It further questions if in reality, those rights are achievable and what is in place to ensure that the gender divide is covered. I expand further on this in the second chapter.

Firstly, this study seeks to understand how colonialism, as reflected in *Nervous Conditions*, affected the lives of African women and how these are visible in a postcolonial present? Secondly, it also seeks ways in which Dangarembga challenges the classic *bildungsroman*, and how this serves as a challenge to the celebratory human rights story of today. Finally, it explores

⁴⁷ 'Martha C Nussbaum' <http://www.law.uchicago.edu/faculty/nussbaum/> (Accessed 25 August 2016).

⁴⁸ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1487.

⁴⁹ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1488.

⁵⁰ MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 230.

⁵¹ MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 230.

colonialism, religion and patriarchal interaction and their effect on celebratory human rights story.

In chapter Two, I focus on the effects of colonialism on African women and its continual effect in the postcolonial period. Key themes covered in this chapter include infantilisation, work, land, church and body image. I rely on references from *Nervous Conditions* and Tamale and Nussbaum to support my views.

The focus of chapter Three is to explore the relationship between colonialism and the human rights system. I argue that these systems share similarities and linkages such as being ideologically Eurocentric and exclusive. I show how these similarities and linkages culminate in problems surrounding the celebratory human rights story. In addition, I define what the classic *bildungsroman* novel is and I discuss the female *bildungsroman* and the African *bildungsroman*. I also explore if *Nervous Conditions* is a typical classic *bildungsroman*. I rely on Slaughter to provide a strong basis for my argument. I also examine the relationship between the classic *bildungsroman* and the celebratory human story. In this chapter, I depend on Tamale, Slaughter, and Nussbaum to support my views.

Chapter Four summarises the chapters covered in this study.. I conclude that there is no easy solution to the problems facing African women, as there are heavily ingrained in the culture, religion, patriarchy, and politics. However, Nussbaum Capabilities may provide a better understanding of how to resolve challenges affecting African women. This study contributes to human rights Literature by proffering problems of African women from a Literature perspective.

The next chapter critically discusses colonialism, African women and postcolonial critique in *Nervous Conditions*. I also deliberate further on Law and Literature and explore the link between classic *bildungsroman* and *Nervous Conditions*.

Chapter 2- Colonialism, African Women, Postcolonial critique and the classic *bildungsroman* in *Nervous Conditions*

But what I didn't like was the way all the conflicts came back to this question of femaleness. Femaleness as opposed and inferior to maleness.⁵²

The dawn of human rights became a hope that the world can be a better place for everyone. However, gender inequality, wars and terrorism amongst other ills still exists despite the human rights system. With the aid of *Nervous Conditions*, I pursue the reasons why human rights have not been successful in 'righting' the wrongs in the world. I discuss the continual effects of colonialism on African women in *Nervous Conditions*. I explore how colonialism affected and continues to affect the rights of African women. I explore how patriarchy and religion aid in determining the place of African women and how that infringes their rights.

I argue that colonialism did and still affects the lives of the African women. This provided the conditions that stimulated the abuse of women's rights in the colonial period and that gradually spilled into postcolonial Africa.⁵³

In the postcolonial era, as with most institutions, the colonial legacy carries into the independent states.⁵⁴ I argue that these institutions further relegate women's rights in the fringes of the dialogue on human rights. I also contend that religion and patriarchy created conditions that enabled the abuse of women's rights during the colonial and postcolonial era.

In an attempt to understand the continual effect of colonialism, this chapter focuses on how patriarchy and religion led to the infantilisation of the African women. With reliance on Tamale, I indicate how work and land determined the African women's status. Using Tamale, I point out how the church helped define the role of African women and how body image determined the place for African women in their community.

In addition, this chapter discusses the classic *bildungsroman* novel and compares it to *Nervous Conditions*. It aims to analyse the celebratory human rights story through exploring the classic *bildungsroman* novel. It also aims to show that Literature can enlighten the way Law views African women's challenges. I define the classic *bildungsroman* and its comparison the female

⁵² T Dangarembga *Nervous Conditions* (2004)118.

⁵³ O Oyewumi 'Colonising bodies and minds: Gender and Colonialism' in G Desai & S Nair *Postcolonialisms: An Anthology of Cultural Theory and Criticism* (2005)342.

⁵⁴ A Whitehead & D Tsikata Policy discourses on women's land rights in Sub-Saharan Africa: The Implications of the return to the customary (2003) 3 *Journal of Agrarian Change* 75.

bildungsroman. The second section pays attention to the debate the between classic *bildungsroman* and *Nervous Conditions* as a *bildungsroman*.

I rely on Sylvia Tamale, a Ugandan feminist scholar's work in this chapter as she writes extensively and advocates for the rights of marginalised groups such as African women, sex workers, homosexuals, and refugees.⁵⁵ Her work is relevant as it gives a fresh perspective on African women's challenges by an African woman. I argue that the classic *bildungsroman* as a style of writing is Eurocentric and limits the African writer when adopted as is. I also contend that as a genre it is male dominated and promotes the disappearance of the female character in the storyline. I say that this genre tends to eliminate the presence of the female therefore, perpetuating the patriarchal system. I believe, like Slaughter, that *Nervous Conditions* deliberately subverts the classic *bildungsroman* style of writing and creates a new style that deliberately accommodates the needs of the writer and the story that she wants the world to hear and read.⁵⁶ I argue that this reflects the journey the African women take in an attempt to exert and apply her rights in a patriarchal society.

2.1 Law and Literature

In the previous chapter, I have given a detailed definition of Law and Literature study from Aristodemou. Paul J. Heald identified four approaches to Law and Literature: 'Law in Literature', which maintains that, knowledge of the Law can help in the awareness of the sense of a particular literary work.⁵⁷ 'Law and Literature as a Language' is the view that the Law and Literature have alike purposes in the society where each as a language gives signs in which the community is built upon.⁵⁸ Another approach is the 'Law as a Literary Movement', which seeks to discover the magnitude to which the development of Law is in parallel to the growth of Literature, philosophy, and fine arts.⁵⁹ The last approach although not conclusive is the 'Law and Literature as Ethical Discourse', which uses practical moral lessons of particular works of Literature to advance our assessment of specific legal problems.⁶⁰ The central problem of this study-why human rights have not been a solution to problems the world faces today, makes

⁵⁵ 'Sylvia Tamale' <http://www.the-isa.org/sylvia-tamale/> (accessed 31 August 2016).

⁵⁶ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1411.

⁵⁷ PJ Heald *Guide to Law and Literature for Teachers, Students, and Researchers* (1998)6.

⁵⁸ PJ Heald *Guide to Law and Literature for Teachers, Students, and Researchers* (1998)6.

⁵⁹ PJ Heald *Guide to Law and Literature for Teachers, Students, and Researchers* (1998)6.

⁶⁰ PJ Heald *Guide to Law and Literature for Teachers, Students, and Researchers* (1998)6.

Heald's last approach more appropriate. It is from Literature that I attempt to understand the human rights problem.

One of the key proponents of the modern Law and Literature movement, James Boyd White, disputes that this field should only apply to Literature as that narrows the discourse. He insists on Law and Humanities to widen the field of discourses useful for analysing legal texts.⁶¹ He, however, does not dispute the value Literature contributes to Law. White clarifies the value of literary texts that:⁶²

But when we turn our attention to literary or other humanistic texts it is essential to recognize that those texts work on a very different sense of thought and meaning indeed. They are not propositional, but experiential and performative; not language-free, but language-bound and language-centred; not reducible to other terms- especially not to logical outline or analysis but expressing their meanings through their form...

White explains that Literature is not just a suggestion but also an enacted experience. In other words, literary or humanistic experience reflects a way of life of a people, their feelings, emotion, and values. This is both that of the writer or performer and the readers or audience that consumes that discourse. He further explains that in the analysis, one cannot shy away from the role language plays in understanding that discourse. While Dangarembga wrote *Nervous Conditions* in English, the voice is in *chiShona*.⁶³ Dangarembga displays this voice through the names of her characters and their interaction. Nyasha stayed out late after a school dance much to Babamkuru's anger that he clapped her. Maiguru intervenes and says "' Yuwi, yuwi, yuwi!' Maiguru moaned. 'Babawa Chido, do you want to kill me with your anger?'"⁶⁴ Dangarembga employs transliteration from *chiShona* to show the depth of Maiguru's turmoil. In addition, White makes clear that literary or humanistic form is crucial as it aids in the overall understanding of the message in the discourse. It is for this reason that I do look at the debate surrounding *Nervous Conditions* as *bildungsroman* and how this contributes to the overall message the text pursues about challenges facing African women.

Nussbaum further enlightens that:⁶⁵

⁶¹ J Boyd White 'What Can a Lawyer Learn from Literature? (1989) 102 8 *Harvard Law Review* 2015.

⁶² J Boyd White 'What Can a Lawyer Learn from Literature? (1989) 102 8 *Harvard Law Review* 2018.

⁶³ *chiShona* is a *Bantu* language spoken predominantly in Zimbabwe.

⁶⁴ T Dangarembga *Nervous Conditions* (2004)117.

⁶⁵ MC Nussbaum *Poetic Justice : The Literary Imagination and Public Life* (1996)5.

...literary works typically invite their readers to put themselves in the place of people of many different kinds and to take on their experiences. In their very mode of address to their imagined reader, they convey the sense that there are links of possibility, at least on a very general level, between the characters and the reader.

Nussbaum elaborates further on the value of experience to the readers that it enables them to develop feelings towards messages in the text. Readers can identify with the characters in the text. Aristodemou explains that: 'literary imagination creates alternative, fictional, worlds, but unlike the legal imagination, it does not pretend, nor does it expect others to pretend, that those alternative worlds are 'real''⁶⁶

Martha Nussbaum also touches on the effect of emotions in legal decision-making. Literature reading rouses emotions in its readers. She terms these rational emotions and points out that emotionless intelligence is worthless.⁶⁷ I agree with her that emotions are key to understanding why Law does not seemingly have answers to issues plaguing African women hence the importance of Literature. Nussbaum writes that Literature forces the reader to confront their emotions as feelings develop over the various characters within the text.⁶⁸

However, not all academics accept the Law and Literature school relationship. Richard Posner believes that:⁶⁹

the functions of the legislation are so different, and the objectives of the readers of these two different sorts of mental products so divergent, that the principles and the approaches developed for one have no useful application for the other.

In other words, Posner's major fear is that people cannot interpret Law anyhow because when Law is enacted they are certain obligations attached to it. It is not like Literature, which is open to anyone's interpretation. However, Lenta disagrees with Posner's views especially on Literature being open to anyone's satisfactory interpretation. Richard Weisberg argues that the Law and Literature school is extensive enough to allow for diverse theoretical views.⁷⁰ His

⁶⁶ M Aristodemou *Law and Literature Journeys from her to eternity* (2000)18-19.

⁶⁷ 1994-95 Sibley Lecture and Law & Literature Conference: "Literature and Legal Problem Solving," (1995) 29 2 *Georgia Advocate* 9.

⁶⁸ MC Nussbaum 'Reply to Amnon Reich' (2006) 56 2 *Journal of Legal Education* 322.

⁶⁹ R Posner 'Law and Literature; A relation reargued' (1986) 72 8 *Virginia Law Review* 1374.

⁷⁰ RH Weisberg 'Family Feud: A Response to Weisberg on Law and Literature' (1989) 1 *Yale Journal of Law & Humanities* 76, 77.

views are in reference to Heald's four approaches to Law and Literature I explained in Chapter One.⁷¹ White enlightens that at the core of Law and Literature is the human desire for meaning.⁷² Both Law and Literature desire to send a message across but the success and effectiveness of that message depends on readers understanding the meaning. In support of this view, Nussbaum explains why literary understanding stimulates learning of new habits after the reader has identifies and understands the characters predicament.⁷³

I seek to explore the link between Law and Literature and how this could reveal why the human rights system has not been successful in solving African women's issues. Literature has the ability to reveal and reflect the feelings and behaviour of humanity that Law may not reveal. I rely on Tsitsi Dangarembga's *Nervous Conditions* to explore the concept of human rights along issues relating to African women today.

2.2 Nervous Conditions in Brief

The story is set in pre-independent Zimbabwe, then Rhodesia under the British occupation, around the late 1960s and early 1970s.⁷⁴ Colonial conditions then favoured the whites rather than the blacks and black men rather black women and the colonized had no rights.⁷⁵ The setting switches between Tambu's rural home and the missions, Babamkuru's workplace and home and Sacred Heart mission school. The rural setting is deceptively idyllic, verdant, and peasantry. On the other hand, Babamkuru's home is a typical missionary style with white painted buildings.

In short, the story begins with Tambu's candid proclamation over her lack of sympathy at the death of her brother. She accompanies that declaration with a confession over many feelings she has now that she is older and understands.⁷⁶ Dangarembga takes the reader back to the younger rural Tambu. Tambu cooks, looks after her siblings Netsai and Rambanai, sweeps the yard early in the morning and fetches water from the river. Her family struggles to send her and Nhamo to school at the same time. Nhamo gets the opportunity to continue once the money has run out although Tambu feels she equally deserves.⁷⁷ Sadly, Ma'Shingayi does not perceive

⁷¹ PJ Heald *Guide to Law and Literature for Teachers, Students, and Researchers* (1998)6.

⁷² J Boyd White 'The desire for Meaning in Law and Literature' (2000) 1 53 *Current legal Problems* 131.

⁷³ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1489.

⁷⁴ T Dangarembga *Nervous Conditions* (2004)1.

⁷⁵ CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)7.

⁷⁶ T Dangarembga *Nervous Conditions* (2004)1.

⁷⁷ T Dangarembga *Nervous Conditions* (2004)15.

the importance of going to school as Tambu. Tambu's father demands 'can you cookbooks and feed to your husband? Stay at home with your mother. Learn to cook and clean. Grow vegetables.'⁷⁸ It dawns to Tambu that both her parents do not understand the value of education. After begging for seed from her father, she plants maize. She works at both the family plot and her own. Meanwhile, Nhamo goads her persistently as to why she bothers, 'it's the same everywhere because you are a girl.'⁷⁹ She refuses to give up even when Nhamo steals her maize. She sells the maize with the help of Mr Matimba from her Sunday school and manages to go back to school at Rutivi the following year much to Nhamo and her father's chagrin.

Babamkuru comes to visit 'in a cavalcade of motor vehicles.'⁸⁰ The scene reflects his importance as uncles and aunts travel a long way to Tambu's home. The whole clan gives Babamkuru a royal welcome as relatives vie for his attention. There is ululation, handclapping and chanting of clan names. It is there Tambu realises how the world outside her homestead is like through her cousins, Nyasha and Chido and her Maiguru. At first, she disapproves of Nyasha's clothing. Tambu also disapproves her cousins' inability to converse in their native tongue. She notices the subtle differences in which even serving food is patriarchal determined. One of her aunts plates all the meat to the men and patriarchal aunts leaving Tambu and the other women and children in the kitchen eating 'only gravy and vegetables'.⁸¹ Tambu excuses her aunt's serving as being overzealous. At the end of Babamkuru's visit, Nhamo joins them at the mission, as Babamkuru believes he has the ability to lift the family out of poverty. The news does not sit well with Tambu as Nhamo emphatically declares to her 'with me it's different. I was meant to be educated.'⁸²

When Nhamo comes for the holiday from the mission, he converses in English and bullies Netsai into carrying his bags from the station. Tambu boldly refuses to do as Nhamo wills unlike Netsai. At the end of that school year, Tambu's family learns of Nhamo's death. Dangarembga completes the cycle of Nhamo's life and thus Tambu moves to the mission with Babamkuru. She is optimistic and in her mind prepares herself for the enhanced, educated, polished, and clean Tambu.

⁷⁸ T Dangarembga *Nervous Conditions* (2004)15.

⁷⁹ T Dangarembga *Nervous Conditions* (2004)21.

⁸⁰ T Dangarembga *Nervous Conditions* (2004)35.

⁸¹ T Dangarembga *Nervous Conditions* (2004)41.

⁸² T Dangarembga *Nervous Conditions* (2004)49.

Tambu's experience from the car journey and the setting of the mission and the house amazes her. Maiguru welcomes her and offers her pastries and dainty cup for tea. She goes through a mind shift as she realizes how her cousins and ultimately how Nhamo had lived. Although the initial view of Babamkuru's white house staggers her, inside the house surprises her even more. Tambu describes the anomalies in detail. These anomalies stretch to the occupants of the house too, the relationship between Babamkuru and Nyasha is far from perfect. The glossy picture she had the first time she came to live with Babamkuru begins to fade as she notices constant battles between Babamkuru and Nyasha. The extent of the fights escalates when Nyasha punches Babamkuru after they argued over her coming late after the school dance. Nyasha did not understand why her brother could come in late and even have a white girlfriend. The incident awakens something in Tambu she realises the victimisation she saw was universal and that 'Men took it everywhere with them. Even heroes like Babamkuru did it.'⁸³ At the end of the school term she goes back home where she realises her family abject poverty.

The family meets at the homestead during the school holiday presided over by Babamkuru and readers learn about Maiguru's despondency over the amount of effort and expectations levelled against her. In addition, Babamkuru is unhappy that Takesure, his relative who is already married, impregnated Lucia. The family meeting called by Babamkuru and the rest of the elders decides what is to become of Takesure and Lucia. Babamkuru once again turns his moral compass to his brother Jeremiah and Ma'Shingayi's unholy union 'Yes, Jeremiah... you are still living in sin.'⁸⁴ He persuades them to have a church wedding. Ma'Shingayi is not impressed but her husband says nothing to argue against that. She also gives birth to another son, Dambudzo at the mission.

Babamkuru lashes Tambu after she refuses to attend her parents' wedding. She takes the lashing and the house cleaner duties bestowed upon her as punishment for two weeks without retaliation. Maiguru's leaves the house as she realises that Babamkuru does not value her contribution to the family. She struggles to assert herself against her husband strong controlling tendencies. Maiguru tries to escape to her brother's place but comes back after Babamkuru fetches her.

At school break, Tambu goes back home only to find her mother ill. Her sister Lucia nurses her back to health. Tambu returns to the mission in preparation for Sacred Heart. While Tambu

⁸³ T Dangarembga *Nervous Conditions* (2004)118.

⁸⁴ T Dangarembga *Nervous Conditions* (2004)149.

and Nyasha were studying for their examinations, the nuns give them a test. Tambu receives an offer to study at Sacred Heart. Babamkuru at first refuses for her to go but later relents. Tambu's move to Sacred Heart, further affects Nyasha, as she is aware it is her volatile Babamkuru in the house. Nyasha becomes lonely as Tambu settles in at school. Nyasha struggles with anorexia nervosa, a condition that is more common with Western women. She does have a psychotic episode that shocks Tambu. Later, Nyasha sees a white psychiatrist who declares Nyasha's condition unAfrican. She finally sees another psychiatrist Dangarembga describes as 'human'. All that happens around Tambu forces her to review the world she lives in.

2.3 Themes on Human Rights, Colonialism and Culture in *Nervous Conditions*

2.3.1 Colonialism and Postcolonialism expressed

While defining the terms colonialism and postcolonialism is not difficult what is challenging is attempting to confine the term postcolonialism and its meaning to a particular era in the history of Zimbabwe. My argument rests on the fact that the effects of colonialism is still felt today and this presents a challenge on how to confine the two terms in a specific period in history only. Bill Ashcroft, Gareth Griffiths, and Helen Tiffin warn that if the term postcolonial is confined, it could be in a danger of losing its meaning.⁸⁵ However, for this study, the two terms refer to both a time in history and a condition that resulted from colonialism. The postcolonial theory that I use in this study draws out these issues affecting African women both during the actual colonial period as set in *Nervous Conditions* around the 1960s to 1970s and after.

2.3.2 Infantilisation of African women

The colonial era played a role in shaping the identity of African women. The postcolonial era carries through the same identity. Alice L. Conklin explains that the coloniser labelled the colonized people as dependents, not citizens with duties and very few rights.⁸⁶ The word 'dependents' implies that the colonized people were considered as children. Nussbaum adds that colonialism treated women as passive dependents.⁸⁷ This is the public view of the

⁸⁵ B Ashcroft, G Griffiths & H Tiffin in B Ashcroft et al (Eds) *The Post-colonial studies reader* (2003)2.

⁸⁶ AL Conklin 'Colonialism and Human Rights, A contradiction in Terms? The case of France and West Africa 1895-1914' (1998) 103 2 *The American Historical Review* 419.

⁸⁷ MC Nussbaum 'Capabilities as fundamental Entitlements: Sen and social Justice' (2003) 9 (2-3) *Feminist Economics* 34.

colonized person from the colonizer's perspective but I am concerned about the picture in the private sphere. Tamale refers to this divide between the public and private sphere as a glass ceiling.⁸⁸ This represents the limits placed on African women as to how far independent they can be. This is also bearing in mind that colonialism as a system had its own limits on African women. The ceiling also implies that African women do not belong in the public sphere. The colonial political administration considered the colonized woman as a child. Tamale writes that colonial Laws did not extend into the private and domestic spheres; therefore, culture determined the African women's place and identity.⁸⁹ Unfortunately, even today the Law has not been successful accommodating African women in both private and public spheres. Therefore, the ceiling still exists and still treating African women like children.

African women continue to fight the notions that women belong to the private sphere because in my opinion these notions of domesticated African women are colonial legacies that continue to haunt African women's present and future. Ingrained deeply are colonial legacies notions and structures such that even human rights institutions overlook them and at times perpetuate them. The African Charter on Human and Peoples' Rights (ACHPR) (1981/1986) (Banjul Charter) pays attention to more than just civil and political rights but also economic, social and cultural rights. Its thrust is the total candid liberation of Africa from colonialism, neo-colonialism, and apartheid to mention a few.⁹⁰ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003/2005) which aims at eradicating harmful practises and discrimination against women. These human rights instruments aim to change the place of the African woman both in the public and private spheres. However, their implementation and effectiveness are debatable. African women continue to battle for recognition as individuals capable of playing an important role in their future and development of Africa.

Dangarembga is critical of keeping African women out of spaces that are predominately and culturally for African men. Maiguru explains the complexities to Tambu:⁹¹

⁸⁸ S Tamale Gender Trauma in Africa: Enhancing women's links to resources (2004) 48 *Journal of African Law* 1 55.

⁸⁹ S Tamale 'The right to culture and culture rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007)155.

⁹⁰ C Heyns & M Killander (Eds) *Compendium of Key Human Rights Documents of the African Union* (2013)29.

⁹¹ T Dangarembga *Nervous Conditions* (2004)103.

‘You must earn a lot of money,’ I breathed in awe. My aunt laughed and said she never received her salary. I was aghast.

‘What happens to your money?’ I asked. ‘The money that you earn does the Government take it?’

‘...when I was in England I glimpsed for a little while the things I could have been, the things I could have done If - if - if things were - different - But there was Babawa Chido and the children and the family...As for me, no one thinks about the things I gave up.’

Although Maiguru is not hysterical when she narrates her predicament, Dangarembga employs the use of pauses to show the depth of emotion and struggle associated with her problems. Maiguru is thinking back but readers can feel her pain. Drawing from Nussbaum views on Literature and the emotions I discussed earlier, this passage stirs up empathy.⁹² It reflects Maiguru’s place and value in her family. Van Dijk explains that everyday occurrences that we normally do not pay attention to show power displays without being violent.⁹³ Nowhere in *Nervous Conditions* does Babamkuru hits Maiguru but the fact that she has no control over her own earnings shows the complexities of African women’s challenges. Maiguru equates Babamkuru’s behaviour to that of the colonial government. The colonial government cared less about the Africans and much less African women. Spivak rightly puts that ‘if in the context of colonial production, the subaltern has no history and cannot speak, the subaltern even as a female is in deeply in shadow’⁹⁴

2.3.3 Work as a tool of domination of African women

As much as work is a tool of emancipation for the African women, it is also a tool of domination. The problem is work is defined from a patriarchal driven point of view that results in the domesticity of African women. Tamale explains domesticity as an ideology that forms through history and culture and is interconnects to patriarchy and power relations within the public and private domains.⁹⁵ Furthermore, Claude E. Welch and Ronald I. Meltzer clarify that

⁹² MC Nussbaum ‘Poets as Judges: Judicial Rhetoric and the Literary Imagination’ (1995) 62 4 12 *University of Chicago Law Review* 1488

⁹³ TA van Dijk ‘Critical Discourse Analysis’ in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)355.

⁹⁴ GC Spivak ‘Can the Subaltern Speak’ B Ashcroft, G Griffiths & H Tiffin in B Ashcroft et al (Eds) *The Post-colonial studies reader* (2003)28.

⁹⁵ S Tamale Gender Trauma in Africa: Enhancing women’s links to resources (2004) 48 *Journal of African Law* 1 51. TA van Dijk ‘Critical Discourse Analysis’ in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)355.

colonialism by virtue of being dictatorial cut the use and demand for rights of the colonized.⁹⁶ Colonialists were oblivious to the African customs and strongly felt their own norms as superior thus imposing them on the colonized. Of course, as Rhonda Howard illuminates the African woman, in the indigenous social structure, women's rights and duties were different from those of men, and in a number of cases, women are unequal in the family, ancestry and state affairs.⁹⁷ Oyeronke Oyewumi explains that the colonial state is and still is patriarchal and most of its workers were male.⁹⁸ Women, both African and non-African, were and still are relegated to the home.

According to Rhonda Howard, women in sub-Saharan Africa had and still have two fold labours – productive and domestic while men had productive labour only.⁹⁹ In *Nervous Conditions*, Jeremiah, Tambu's father works when Babamkuru, his brother, is around from the mission. The same applies to Tambu's brother Nhamo who only works when Babamkuru is on his way to visit.¹⁰⁰ On the other hand, Tambu's father in reaction to the lack of school fees for Tambu encourages her to 'learn to cook, clean and to grow vegetables as she cannot cook books and feed them to her husband'.¹⁰¹ Tambu's father gives a list of things that symbolises the perpetuation of the domesticity ideology. Jeremiah is putting the ceiling on Tambu's expectations. Education is not one of them.

The African man was and still is visible as a source of labour; the African woman was and still is invisible. The coloniser depended on the African man's labour to obtain wealth from colonies. In the coloniser preferring African men to African women and then paying them a wage created the impression that African women were insignificant in contributing to the wealth of the nation. Oyewumi describes the African man's labour as attaining trade value while African women's labour is valued as just use.¹⁰² This means the labour that African women did had no recognized value attached to it both in the public and private spheres. Today it still does not. The postcolonial era was to herald the visibility of African women. Africa's

⁹⁶ CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)7.

⁹⁷ R Howard 'Women's Rights in English-speaking Sub-Saharan Africa' in CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)46.

⁹⁸ O Oyewumi 'Colonising bodies and minds: Gender and Colonialism' in G Desai & S Nair *Postcolonialisms: An Anthology of Cultural Theory and Criticism* (2005)342.

⁹⁹ R Howard 'Women's Rights in English-speaking Sub-Saharan Africa' in CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)52.

¹⁰⁰ T Dangarembga *Nervous Conditions* (2004)7.

¹⁰¹ T Dangarembga *Nervous Conditions* (2004)15.

¹⁰² O Oyewumi 'Colonising bodies and minds: Gender and Colonialism' in G Desai & S Nair *Postcolonialisms: An Anthology of Cultural Theory and Criticism* (2005)353.

liberation should have translated to the liberation of African women too. That is the regaining of her status as an equal to a man since colonialism had downgraded the place of the place of African women. This gender-based differentiation gave the impression of men as real workers while women were not. This view of undervaluing African women's work continues as African women still battle for attention. African women clamour to be worthwhile contributors to the development of Africa. The achievement of the Sustainable Development Goals (SDG) is impossible without the recognition of African women as real contributors.

Tied to all the work African women had to do are some cultural practices that allow the men to eat first before the women and children. Tambu questions this norm. During Babamkuru's welcome feast at the homestead, Tambu's female relatives serve all the good food to the men and other patriarchal relatives. Tambu grumbles:¹⁰³

In the kitchen, we dished out what was left in the pots for ourselves and the children. My aunt Mavis, Shupikai's mother in her joy over Babamkuru's return, had been unrestrained in dishing out the meat for the house so that there was not enough left in the pot to make a meal for those of us who were not dining there. As a result, the youngest of us had only gravy and vegetables to go with our *sadza*. But the gravy was good and there was plenty of it. We, who rarely tasted meat found no reason to complain.

In her narration Tambu refers to all women and children in the kitchen as 'we' a group term. Nussbaum explains that this grouping and not individualising lies the problem. She writes that it is critical to recognize individuals as group hatred and oppression stems from failing to recognize individuals.¹⁰⁴ 'We' fails to deliver the message about 'I'. Readers realize that this was not just a group of people but individuals who had failed to have access to the best food. They were not only women but children too. Through Tambu's narration, readers realize that whatever affects women does affect children too and feel sympathy towards Tambu and the rest of the people in the kitchen.

Tambu's despondency is of concern. It reflects a nervous disposition that Tambu has. She knows she deserves, "the tasty meat" but she cannot demand it. This reflects the state in which many colonial and postcolonial African women may have and still find themselves in, accepting the 'soup and vegetables'. The 'soup and vegetables' scenario reflects dominance of the patriarchal system and the mind control it has on the rest of the women in the kitchen who

¹⁰³ T Dangarembga *Nervous Conditions* (2004)41.

¹⁰⁴ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1488.

did not query the lack of meat. The depth of the dominance is such that it creates a normalcy in a dire situation. In support of this view, Van Dijk enlightens that controlling minds is an essential way to duplicate supremacy and hegemony.¹⁰⁵ The women in the kitchen obviously believed that they belonged there and whatever they could get was good enough for them. This assumption, I take remembering the context of colonialism these women lived in. In linking with human rights, African women struggle to attain their rights and ironically, like Ma'Shingayi, these women are aware that they should be more for them than being part of the domestic environment but legally this avenue is not available for them to pursue in the private sphere.

2.3.4 African women and land rights

Howard writes that women's access to land during the colonial era is limited even though traditionally women had access to land via their ancestral lineage.¹⁰⁶ Colonialism took away that critical aspect and made land be in the hands of a father to a son. This is typical in Europe where women were required to marry before they can inherit a piece of land. Ann Whitehead and Dzodzi Tsikata explain that the African land tenure is created and maintained by the colonial government policies and is later passed on to the postcolonial government as is.¹⁰⁷ Land equated to wealth and status. Therefore, stripping away the land right from African women reduced them to dependants of their male counterparts. African women lost a say in their economic decision making and livelihood. Tamale adds that land ownership for African women does not mean empowerment or physical control of that land.¹⁰⁸

While some African countries have made inroads in ensuring that women have equal access to land as men, some still hold on to the colonial tendencies that land ownership is the privilege of the African male. Colonisation introduced the commercialisation of land. This tendency carried into the postcolonial era. However, African women as having been previously disadvantaged customarily on the access to land meant that they struggled to have ownership

¹⁰⁵ TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)357.

¹⁰⁶ R Howard 'Women's Rights in English-speaking Sub-Saharan Africa' in CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)54.

¹⁰⁷ A Whitehead & D Tsikata Policy discourses on women's land rights in Sub-Saharan Africa: The Implications of the return to the customary (2003) 3 *Journal of Agrarian Change* 75.

¹⁰⁸ S Tamale Gender Trauma in Africa: Enhancing women's links to resources (2004) 48 *Journal of African Law* 1 56.

of land in the postcolonial era. Oyewumi notes that commercialisation of land meant that women who did not have financial means to earn a living, therefore, had to depend on the African male to access land.¹⁰⁹

The male land ownership scenario encouraged son preference, which is still a problem today for African women. The opening statement of *Nervous Conditions* glaringly lays out the problem of son preference to African women. It represents male dominance and perpetuation of patriarchal tendencies. It affects the nervous condition of African women. At one point after it became clear that Tambu would not go to school that year but her brother would and she sadly discovers:¹¹⁰

I think my mother admired my tenacity, and also felt sorry for me because of it. She began to prepare for disappointment long before I would have been forced to face up to it. To prepare me she began to discourage me. 'And do you think you are different, so much better than the rest of us? Accept your lot and enjoy what you can of it. There is nothing else to be done.'

Maria Aristodemou describes women who have no desire to free themselves from bondages they have been born into as they aim to maintain or to survive the male dominance culture.¹¹¹ At that young age, Tambu could deduce her mother's nervous condition. Drawing from Nussbaum, one realises the importance of Literature to Law- '...the poet is the instrument through which the "long dumb voices" of the excluded come forth from their veils to the light.'¹¹² Through Literature can one hear the voice of the voiceless. While it is easy to formulate laws such as those that do not favour empowerment of African women when it comes to land ownership, it is only through the pain associated with African women's poverty that one can understand the need to change land ownership laws. Today, Everjoyce. J. Win shows the changing landscape in the land question for rural African women, that big companies and banks now take the land, the struggle has moved beyond just the home and the village.¹¹³ Such a scenario shows the inadequacy of human rights in solving African women's problems.

¹⁰⁹ O Oyewumi 'Colonising bodies and minds: Gender and Colonialism' in G Desai & S Nair *Postcolonialisms: An Anthology of Cultural Theory and Criticism* (2005)246.

¹¹⁰ T Dangarembga *Nervous Conditions* (2004)20.

¹¹¹ M Aristodemou *Law and Literature Journeys from her to eternity* (2000)196.

¹¹² MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1519.

¹¹³ EJ Win *Feminist Organising for Women's Human Rights in Africa: Current and Emerging Issues* 30-31 October African Women Development Fund (2013)9.

2.3.5 African women and the Church as an accomplice to domination

Religion during colonialism had an overarching influence on African women. Colonialists through missionary schools and the church managed to spread their influence and ideology. Babamkuru strongly believed in the missionaries' religion. Understandably, missionaries took him in and Tambu narrates the story from her grandmother's view:¹¹⁴

And then she heard that beings similar in appearance but not of them, for these were holy, had set up a mission not far from the homestead. She walked, with my uncle, with Babamkuru... to the mission, where the holy wizards took him in.

Tambu, in recalling the story, her grandmother referred to the missionaries as 'holy wizards' which is ironic. The word 'wizard' is synonymous with 'magician', 'enchanter' and 'witch'. It is strange that holiness and wizards are bedfellows. This choice of words indicates that the missionaries' agenda may not have been as holy as they would like the world to believe. Roy Love notes that religious faith is closely knitted with the work of politics in that community in such a way that it supports the privileged male.¹¹⁵ Therefore, Babamkuru had the ability to persuade his brother to marry in the church. He says, 'Yes, Jeremiah, even now, so many years after our mother passed away, you are still living in sin.'¹¹⁶ Sin being anything the missionaries did not approve of even if within the African culture is legitimate and acceptable. Tamale notes that through religion, Africans were encouraged to drop their beliefs for the colonizer has 'enlightened' beliefs.¹¹⁷ In short, Ma'Shingayi had little say in the decision that took place in her own home and marriage. Howard explains that the rights of women in marriage are essential to their rights as persons.¹¹⁸ In other words, human rights must apply to all facets of African women's lives. Today, the church still plays a role in oppressing African women. Win enlightens that today, religious and cultural fundamentalists are detrimental to African women's rights in that they determine and control what African women can do. She gives an example of judges who based on their religious beliefs refuse to allow for a divorce or abortion.¹¹⁹

¹¹⁴ T Dangarembga *Nervous Conditions* (2004)19.

¹¹⁵ R Love 'Religion, ideology and conflict in Africa (2006) 33 10 *Review of African Political Economy* 624.

¹¹⁶ T Dangarembga *Nervous Conditions* (2004)149.

¹¹⁷ S Tamale (Ed) 'Researching and theorizing in Africa' in *African sexualities: A reader* (2011)23.

¹¹⁸R Howard 'Women's Rights in English-speaking Sub-Saharan Africa' in CE Welch & RI Meltzer *Human Rights and Development in Africa* (1984)58.

¹¹⁹ EJ Win *Feminist Organising for Women's Human Rights in Africa: Current and Emerging Issues* 30-31 October African Women Development Fund (2013)13.

2.3.6 African women and their bodies

Tying in with African women in marriage is reproductive health and body image. *Nervous Conditions* questions the rights African women have to their bodies. Ma'Shingayi, throughout the story, seems to be perpetually pregnant as Tambu points out: 'she was anxious my poor mother, because four babies, three of them sons, had died in infancy between birth and this pregnancy'.¹²⁰ The story is not clear about the period between the pregnancies but I deduce that it is one baby after the other and all but Nhamo being girls. Ma'Shingayi seems not in control of her body. It is not clear if she is having children one after the other by choice or she felt she had to bow to her husband. However, readers empathise with Ma'Shingayi and her journey is significant to African women. Dangarembga touches on the right to determine control of African women's bodies. Significantly, that happens in the private sphere and therefore, unclear to the outsider. Dangarembga presents the colonialist's view about African women's sexuality and their bodies. Tamale explains that African female sexualities myths included that African women can give birth without pain, that they are immoral and lustful.¹²¹ This is clearly not true but just colonial legacy thinking. The society labels Lucia, one of Tambu's aunts immoral because of her so called many partners. The same does not apply to the men, for example, Takesure who had impregnated more than one woman at the same time. Nyasha in a bid to refuse Babamkuru's control of her body chooses to force vomit whatever she ate at Babamkuru's table. She also refused to have him dictate her dress code and Tambu recounts Babamkuru's reaction: 'He wanted to know where his daughter thought she was going dressed up in such an ungoldly manner and told her that...'¹²² Tambu found Babamkuru's acerbic comments sad as she thought Nyasha looked very pretty in her dress. She wondered if Babamkuru is against his daughter looking attractive. In a way as Nussbaum states the novel has the ability to 'make a case for equal sexual liberty...'¹²³ Tamale notes that there is a genuine hush surrounding sexualities of some African women with colonialism aiding this silence.¹²⁴ Therefore, Literature has the ability to bring to the forefront African women's sexuality, which colonialism, religion and patriarchy covers in myths. Using Nussbaum's approach of employing one's imagination and empathy may assist in paving a better way of addressing

¹²⁰ T Dangarembga *Nervous Conditions* (2004)51.

¹²¹ S Tamale (Ed) 'Researching and theorizing in Africa' in *African sexualities: A reader* (2011)22, 23.

¹²² T Dangarembga *Nervous Conditions* (2004)111.

¹²³ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1495-6.

¹²⁴ S Tamale (Ed) 'Researching and theorizing in Africa' in *African sexualities: A reader* (2011)21.

control of African women's bodies. She further adds that reading novels makes the reader observes 'qualitative distinctions.'¹²⁵ African women today are still fighting the need to define and control their bodies as they see fit. In support of this notion, Win makes it clear that 'heterosexism, heteronormativity and unequal power relations in sexual relationships remain intractable.'¹²⁶ Despite the presence of human rights, African women's bodies remain shrouded in controversy.

2.3.7 Human Rights and African women

The United Nations (UN) and the African Union (AU) try to address the imbalances that gender discrimination creates. The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Banjul Charter and the AU African Women's Protocol specifically address those problems. Frans Viljoen explains that the African women's Protocol specifically highlights the private sphere as an area in which rights have to be realised.¹²⁷ The emphasis on the private sphere is important in that just like Maiguru, Ma'Shingayi, Tambu and Nyasha; their abuse took place within the private domain. Maiguru is a learned woman but in her private sphere, she matched all the other women in the story.

However, the success of the human rights story in the fight for African women's rights is rather gloomy. Tamale explains that in Africa the notion of culture and rights are at odds with the African women. Her view is that culture and rights are conflicting systems.¹²⁸ The African woman has to choose whether to be culture orientated or rights orientated. If she is rights orientated, she ceases to follow her culture. If she is culture oriented, she fails to enjoy her rights. Such a dilemma makes life difficult for the African women as Law itself lands them into a quandary yet Law is supposed to be liberating. I agree with Tamale that the blame lies with the human rights themselves rather than African culture that she believes can be a tool of emancipation for African women.¹²⁹ Blaming culture seems typical of the colonial view of

¹²⁵ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1481.

¹²⁶ EJ Win *Feminist Organising for Women's Human Rights in Africa: Current and Emerging Issues* 30-31 October African Women Development Fund (2013)11.

¹²⁷ F Viljoen 'Human rights in Africa: normative, institutional and functional complementarity and distinctiveness' (2011) 18 2 *South African Journal of International Affairs* 195.

¹²⁸ S Tamale 'The Right to Culture and the Culture of Rights: A Critical Perspective on Women's Sexual Rights in Africa' in A Zia and B Kahora (Eds.) *Sex Matters* (2007)157.

¹²⁹ S Tamale 'The right to culture and culture rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007)152.

African culture; that is it is inferior and therefore needs enlightenment through human rights. The end of this difficult position is that African women disappear into nothing. Spivak explains the third world woman as being stuck between tradition and modernisation therefore disappearing.¹³⁰ Aristodemou adds that this position is an inaudible dim.¹³¹ In essence, the struggle to implement human rights for African women further oppresses them.

However, since human rights on their own seem not to manage to solve African women's challenges, maybe applying Nussbaum Capabilities approach could be beneficial. In Chapter One I did introduce that the aim of this approach is to ask what an African women is actually able to do and to be.¹³² I find this approach exciting, as the current human rights do not ask what African women can do. Current human rights are concerned with promoting and protecting the rights of all.¹³³ As already indicated, despite their weight and promise, human rights have not managed to solve African women's issues. In this chapter, I have indicated some of those challenges and the complexity resulting from colonialism and patriarchy. However, the Capabilities approach makes each person valuable and an end.¹³⁴ Emphasising value and worth to African women is critical to their functionality within their community. It is because African women are exploitable which makes them vulnerable. As already discussed, colonialism and patriarchy make African women vulnerable and therefore open to abuse.

According to Nussbaum as indicated in Chapter One, the Capabilities approach is not rooted in traditions or culture therefore allowing for African women to do what they can and be what they want to be.¹³⁵ One cannot claim that it is cultural because all it is concerned about is what African women's capabilities.

However, Nussbaum, despite the disputes surrounding human rights, believes that human rights have a valuable contribution to this approach. She suggests that she sees rights as 'combined capabilities.'¹³⁶ Such rights as the right to free speech and right to freedom of movement have to do with capabilities. If Tambu can learn and has the right then she should be the view of the Capabilities approach.

¹³⁰ GC Spivak 'Can the Subaltern Speak?' *Colonial Discourse and Postcolonial Theory* in P Williams & L Chrisman (1993)102.

¹³¹ M Aristodemou *Law and Literature Journeys from her to eternity* (2000)57.

¹³² MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 230.

¹³³ <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx> (accessed 12 September 2016).

¹³⁴ MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 231.

¹³⁵ MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 237.

¹³⁶ MC Nussbaum 'Women's Capabilities and Social Justice' (2000) 1 2 *Journal of Human Development* 238.

This approach also digs deeper to find out why these women are not capable. While human rights state that one has a right to access basic education, it does not show how African women can access that education if they are capable to be educated.

The question is whether the Capabilities approach can withstand the legacy of colonialism and patriarchal tendencies to allow for the flourishing of African women. Another point to ponder is if the Capabilities approach can successfully break the glass ceiling Tamale refers to in the empowerment of African women. I am also curious if the Capabilities approach can permeate the private sphere where the biggest challenge for African women resides.

The next chapter focuses on colonialism, classic bildungsroman and the celebratory human rights story.

Chapter 3- Colonialism, classic *bildungsroman*, and the celebratory human rights story

‘You pretend. You are a pretender, you. First you took his tongue so that he could not speak to me and now you have taken everything, taken everything for good.’¹³⁷

The UDHR indeed set the standard for international Law on human rights. Countries have strived to attain this standard of freedom enshrined in several human rights documents. However, human rights violations continue to exist. The study seeks to explore why the human rights system has not solved these and if Literature can bring an understanding to this challenge. The previous chapter explored colonialism, African women, the classic *bildungsroman* and the postcolonial critique while this chapter attempts to delve deeper into the relationship between human rights and colonialism. I argue that the human rights story shares similarities to colonialism.

In the last section of this chapter, I propose that the celebratory human rights story like the classic *bildungsroman* share the same hope of becoming and success but fail to realize it at the end. I argue that the celebratory human rights story is an illusion that exists to cover the truth surrounding the human rights system. I contend that *Nervous Conditions* reveals the gaps in Law especially concerning the portrayal of African women.

The third segment centres on the classic *bildungsroman* and the celebratory human rights story. It draws attention to the similarities and differences between the classic *bildungsroman* and the celebratory human rights story and prods into the celebratory human rights story as drawn from *Nervous Conditions*.

Colonialism, as earlier stated, had an impact on the lives of both the coloniser and the colonised. This period in history still affects the African perspective on the understanding and administration of the human rights system. Of course, part of the coloniser’s mission is to re-orient the colonised in the West’s way of life. With reliance on Said, I contend that the residue of colonialism lingers in the human rights system. After all, former colonisers who are in North America and parts of Europe birth the entire concept. Audrey Lorde clearly explains that ‘the master’s tools will never dismantle the master’s house’.¹³⁸

¹³⁷T Dangarembga *Nervous Conditions* (2004)54.

¹³⁸ A Lorde in L T Smith ‘Imperialism, history, writing and theory’ in ‘G Desai & S Nair (Eds) *Postcolonialism: An anthology of cultural theory and criticism* (2005)94.

3.1 Theoretical Consideration

The postcolonial theory is best suited for this study for it allowed for the in-depth look at the effects of colonialism during that era and after. However, in this study, I refer to postcolonialism as a condition and a state rather than just a period in history. My conviction comes from the fact that effects of colonialism are not just confined to the era when Africa is under colonial rule but extends beyond that. Effects of colonialism are still felt today by the African women and its residue. I argue this is reflected in the human rights system today. Further, in my discussion I will look at the link between human rights and colonialism.

One of the major proponents of the postcolonial theory, Said, believes postcolonialism to be based on the false image that the West presents to the rest of the world aided by ideological institutions such as Literature, colonial administrators, philosophers and economists to mention a few. He adds that the aftermath of colonialism persists in various forms today.¹³⁹ In support of his views is Spivak who explores how the Western dialogue influences the third world. She shows how the feeble struggle to communicate their needs and often those learned speak on their behalf but not exactly telling the whole story.¹⁴⁰ Beth Lyon writes that the postcolonial theory can provide a significant examination of the aims and processes of the human rights system.¹⁴¹ It also brings out how Literature in the former colonies attempts to rewrite the story of African women. It easily brings out the power relations between different groupings of people. Homi K Bhabha points out that postcolonial criticism displays the unbalanced and widespread powers of cultural representation.¹⁴²

From this premise, the postcolonial theory allows for the examination of the differences in the relationships between the coloniser and colonised. It allows for the examination of ideological tools that the coloniser uses. From those tools, I draw the inference that colonialism had and continues to have influence in liberated Africa. Drawing from Spivak, human rights seem to speak for the feeble yet human rights fail to address the issues at the heart of African women. Human rights seem to provide a blanket solution to the needs of the African women yet these women if clearly listened too would show that their issues are different from the European

¹³⁹ L Hamadi 'Edward Said: The postcolonial theory and the Literature of decolonization' 2 *European Scientific Journal* (2014)40.

¹⁴⁰ L Hamadi 'Edward Said: The postcolonial theory and the Literature of decolonization' 2 *European Scientific Journal* (2014)41.

¹⁴¹ B Lyon 'Discourse in development: a post-colonial theory "agenda" for the UN committee on economic, social and cultural rights' (2003) 10 3 *Journal of Gender, Social Policy & the Law* 2.

¹⁴² HK Bhabha *The Location of Culture* (1994)171.

women. Therefore, the emergence of postcolonial writers like Dangarembga serves to give a voice to African women. She is African, she can write for African women.

3.2 Selectivity

The one thing that the human rights story and colonialism have in common is selectivity. Of course, human rights are supposed to be universal and available to everyone but I contend that it is selective. By its nature human rights and its requirements, it becomes a story for the select few. The practice of human rights requires ‘rights’ utterances and actions to be human rights orientated and ‘human rights correct’. Human rights bodies look in approval at ratifying a treaty yet putting into action the contents of the treaty should carry more power. Speaking the human rights language, funding the human rights movements and donating puts the countries that do this in a favourable light. It appears the financial status of a nation relates to its ability to pursue human rights. For example, Human rights organisations hardly bring to book the USA over human rights abuses for example on the war on terrorism, selling arms while promoting peace. As an international funder and advocate for human rights, her double standards send contradictory messages.¹⁴³ This means that human rights are selective. There is a violators group and a defenders group. As for who determines who is a violator or defender depends on who holds the dominant view.

Colonialism propagates for the divide and rule principle. It disregarded the locals and favoured the foreigners.¹⁴⁴ The fruits of colonialism benefitted the colonisers and their home countries.¹⁴⁵ Tambu narrates that: ‘... other Whites as well who were here for adventure and to help themselves to our emeralds’.¹⁴⁶ Colonisers were careful to protect what they regarded as their ‘interests’. I see the same principle applying to the human rights system, as human rights have become a strong investment-determining factor. The countries that need help strive to present good human rights faces in order to get international investors and funders.

In *Nervous Conditions*, Babamkuru is a saint and saviour for mostly his extended family. He is the epitome of what is right. He has the money and the education to be able to carry this stature. In CDA, Babamkuru’s characteristics are synonymous with a person in a position of

¹⁴³ M Goodhart *Human rights, politics and practice* (2009)88.

¹⁴⁴ AH Sandhu ‘Reality of Divide and Rule in British India’ 30 1 *Pakistan Journal of History and Culture* (2009)61.

¹⁴⁵ P Robbins *Stolen Fruit: The Tropical Commodities Disaster* (2003)26.

¹⁴⁶ T Dangarembga *Nervous Conditions* (2004)105.

control and power.¹⁴⁷ Tambu easily accepts this image while she lived in the rural area. On the other hand, Nyasha believes her father is a tyrant and impossible to please. Someone who did not expect challenges to the decisions he made.

I want to juxtapose Babamkuru's behaviour and that of the USA and the human rights system. No one questions Babamkuru for fear of retribution and withdrawal of funding from projects he is sponsoring. The USA funds a number of international human rights organisations such as the Human Rights Watch. It is rather difficult for Human Rights Watch to criticize the USA's human rights behaviour. Just like Tambu, Jeremiah and the rest of the extended family could not point out right Babamkuru's ill behaviour.

3.3 Ideology

At the centre of my argument are the ideology of colonialism and the celebratory human rights story. While at different eras, the coloniser celebrated their colonies as a success story, the human rights activists celebrate the peace as a success of human rights. My cause of disagreement stems from the root that drives both systems. This the supremacist view that both colonialism and human rights share. Issa G. Shivji explains human rights as a philosophy of supremacy and part of the imperialist worldview.¹⁴⁸ Freeman explains human rights as being imperialistic.¹⁴⁹ Shivji writes that human rights are constructed and borrowed from elements of domination.¹⁵⁰ On the surface, human rights seem like a genuine program that desires to bring world peace and democracy and to promote and protect the rights of everyone. However, the innocence of the human rights system is questionable. In support of this view, Slaughter explains the system as a suspicious vehicle for projecting new international citizen subjectivity.¹⁵¹ Human rights do have a halo of controversy around it which I believe stems from its supremacist ideology.

I draw similarities with the colonialism system. Domination and supremacy exist in both systems. Both concepts demand control over those who buy into their ideas. Colonialism

¹⁴⁷ TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)356.

¹⁴⁸ IG Shivji *The Concept of Human Rights in Africa* (1989)3.

¹⁴⁹ MA Freeman *Human Rights Key Concepts* (2011)206.

¹⁵⁰ IG Shivji *The Concept of Human Rights in Africa* (1989)1.

¹⁵¹ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 *5 Modern Language Association* 1419.

ideology brought in a new culture that superimposed itself over the local culture.¹⁵² Countries adopt international human rights standards into their own domestic Laws as a way of becoming internationally acceptable in the human rights world.¹⁵³ The belief, in general, is that human rights treaties have more benefits. In my view, human rights have become a civilisation tool. A tool of enlightenment that is no different from colonialism.

In *Nervous Conditions*, Babamkuru strives to ensure that his family attains the acceptable standard of civilisation. Babamkuru's basis of measure is on the Western missionary education and religion. He is a product of colonial education therefore, like colonialists wishes to propagate their ideology. After Nhamo dies, he gives the privilege to Tambu. Ma'Shingayi is not entirely convinced that the missionary education is entirely good. She complains to Jeremiah: 'how could you stand there and tell me to send my child to a place of death, the place where my first living child died!' ¹⁵⁴ To Ma'Shingayi, the mission and all it stands for is synonymous with death. Reverting to Nussbaum readers empathise with Ma'Shingayi's 'tragedy of social helplessness' as she recently lost Nhamo.¹⁵⁵ One can understand her turmoil and vulnerability against a patriarchal force that is Babamkuru. Unfortunately, Jeremiah does not support or pay attention to his wife's appeal. Once again, as Spivak explains, patriarchy and colonialism silence the woman's voice and she concludes that it is not simple to the question the mindfulness of the subaltern woman.¹⁵⁶

3.4 Economic development

Today the language of human rights permeates all facets of life including trade and investment. Countries in Europe and North America use human rights standards as a tool for determining trade and investment relations. Africa and South and Central America being economically disadvantaged hardly question the human rights records of their investors who may happen to be their former colonisers. Spivak clarifies that generally first world countries are in the position to invest capital and another group third world countries give the field of investment.¹⁵⁷

¹⁵² RJC Young 'Colonialism and the desiring machine' in G Castle *Postcolonial discourses: An anthology* (2001) 84.

¹⁵³ M Goodhart *Human rights, Politics and Practice* (2009)86.

¹⁵⁴ T Dangarembga *Nervous Conditions* (2004)56.

¹⁵⁵ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1493.

¹⁵⁶ GC Spivak 'Can the subaltern speak? http://abahlali.org/files/Can_the_subaltern_speak.pdf (accessed 06 September 2016)90.

¹⁵⁷ GC Spivak 'Can the subaltern speak? http://abahlali.org/files/Can_the_subaltern_speak.pdf (accessed 06 September 2016)83.

This imbalance in economic power makes it difficult to understand why former colonisers would insist on clean human rights records as a subtle pre-requisite for trade and investment yet they have accusations of human rights abuses. The same view applies even in offering economic aid to the poor. Haas explains that the USA has the International Financial Assistance Act (1977) which instructs the use of human rights criteria to applicants for a loan from the World Bank and other financial institutions. He also adds the International Security and development Cooperation Act (1980) specify other human rights criteria to determine aid to another country.¹⁵⁸ According to Van Dijk, such a relationship gives power and control to the one who has resources to give and that powerful dominant individual or group can integrate into Laws or rules that power therefore controlling the public discourse.¹⁵⁹ Thus, help comes with strings attached. It is rather questionable who determines the real observation of human rights by countries. It is well known that implementation of human rights treaties is easier said than done such that countries that ratify treaties do so to cover up and take the attention away from human rights abuses they are committing.¹⁶⁰

Like colonialism, human rights gives investors a good ground to set up their business and most of the time, most of the profits go back to the mother country. Spivak clarifies that first world countries are in the position to invest capital and another group third world counties give the field of investment. In other words, human rights are expanding and achieving the imperialist dream, that colonialism once pursued. Henry Schwartz notes that colonisers tended to graft modern structures on their domains such as the exploitative economic systems borrowed from Europe that change the traditional practices.¹⁶¹

The economic development that is promoted by the human rights system is, therefore, no different from the economic development promoted by colonialism. Linda T. Smith explains that while imperialism is a method of control, which fortified markets and capital investments, colonialism paved the way for European domination through the subjugation of the indigenous people.¹⁶² It hardly benefitted the ones who needed it most. In my view, the conditions are there

¹⁵⁸ M Haas *A comprehensive introduction to International Human Rights* (2014)345.

¹⁵⁹ TA van Dijk 'Critical Discourse Analysis' in (eds) D Schiffrin, D Tannen & HE Hamilton *The Handbook of Discourse Analysis* (2005)355.

¹⁶⁰ EM Hefner-Burton & K Tsutsui 'Human rights in a globalizing world: A paradox of empty promises' (2005)110 5 *American Journal of Sociology* 1374.

¹⁶¹ H Schwarz 'Mission Impossible' in H Schwarz & R Sangeeta *A Companion to Postcolonial Studies* (2005)3.

¹⁶² L T Smith 'Imperialism, history, writing and theory' in G Desai & S Nair (Eds) *Postcolonialism: An anthology of cultural theory and criticism* (2005)96.

to suit foreign companies' goals. Human rights set the arena for usurping resources further from unsuspecting vulnerable countries. Nussbaum points out that it is important to find literary works in which one can identify sympathetically with an oppressed group in one's society so that one can view the world from an oppressed person's perspective and then to reflect on what one has seen.¹⁶³ This could explain why some sectors of the society refuse to buy into the human rights discourse especially if this group was once under colonial rule.

In *Nervous Conditions*, Babamkuru is missionary educated. The missionaries had deliberately chosen Babamkuru. Tambu explains what the missionaries thought of the younger Babamkuru: 'They thought he was a good boy, cultivatable, in the way the land is, to yield harvests that sustain the cultivator.'¹⁶⁴ Dangarembga draws a parallel image of Babamkuru and land. Babamkuru is cultivatable and likely to produce results. This he does as he strives to enrol his family in the missionary education and religion. This, however, costs the family. That is the reality; economic development linked to human rights seemingly never fully accomplishes its purpose. Not everyone benefits. African women still struggle to access economic development related resources. Win explains that due to corruption, African governments have little development resources to benefit African women, especially rural African women. These resources are most likely to fall in the hands of individuals.¹⁶⁵ Something has to give before it can take place.

3.5 Of patriarchy and religion

During the colonial era, patriarchy and religion created a viable environment for the human rights violations of African women. Religion looks completely harmless. However, as Tambu narrates through her grandmother 'they were holy wizards.'¹⁶⁶ Despite covered in a holy cloth, the missionaries were still wizards. Edward Said rightly explains that ideas, culture and history can only through their source of power.¹⁶⁷ Therefore, in studying foreign missionaries, one realizes that they believe in the enlightenment ideology of colonialists. Tamale explains that patriarchy uses trappings encompassing culture, the Law, and religion to protect the male

¹⁶³ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1489.

¹⁶⁴ T Dangarembga *Nervous Conditions* (2004)19.

¹⁶⁵ EJ Win *Feminist Organising for Women's Human Rights in Africa: Current and Emerging Issues* 30-31 October African Women Development Fund (2013) 5.

¹⁶⁶ T Dangarembga *Nervous Conditions* (2004)19.

¹⁶⁷ EW Said 'Orientalism' in B Ashcroft, G Griffiths & H Tiffin in B Ashcroft et al (Eds) *The Post-colonial studies reader* (2003)89.

domain in the public sphere.¹⁶⁸ Nonetheless, regardless of the type of religion, religion is still a tool to bring women under patriarchal control. Religion is patriarchal too. Men lead and women are mostly followers. Any move that is said not to be in line with the behaviour of women religiously is regarded as sinful therefore religion is subtly used to bring women in line even if that goes against their human rights. Such quick judgements is what Nussbaum warns against and appeals that before judgements are made in about African women, one should contextualise and spend time to understand the story of these women. Nussbaum adds that after observation one should try to form the African women's point of view and to evaluate whether the pain they feel is appropriate or necessary.¹⁶⁹

Women easily become the 'other' as allowed by patriarchy and religion, in the case of missionary gospel that encouraged women to be under the man. Religion is ideological and is entrenched in the social fabric. Both patriarchy and religion rely heavily on ideology to convince of its authority. Tamale notes that these robust structures and institutions' task is to sustain the existing state of affairs.¹⁷⁰ Thus, the condition of African women has not changed despite the presence of human rights; patriarchy continues to control space that African women occupy. The next section explores the *classic bildungsroman* genre and its relationship to *Nervous Conditions* and the celebratory human rights story.

3.6 Classic *bildungsroman*

The classic *bildungsroman* novel originated in Germany and later spread to other parts of the world.¹⁷¹ Literary critics and academics debate its definition and characteristics. This debate is of importance as this part of the chapter explores the text *Nervous Conditions* and the classic *bildungsroman*.

Brigid Lowe explains the *bildungsroman* as a novel of self- development.¹⁷² Anniken T. Iversen calls it a novel of formation.¹⁷³ Penny Brown gives attributes of this genre as the effects

¹⁶⁸ S Tamale Gender Trauma in Africa: Enhancing women's links to resources (2004) 48 *Journal of African Law* 1 53.

¹⁶⁹ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1488.

¹⁷⁰ S Tamale Think globally, act locally: using international treaties for women's empowerment in East Africa 16 (2001) *Agenda* 50 102.

¹⁷¹ B Lowe 'The bildungsroman' in RL Caserio & C Hawes *The Cambridge history of the English novel* (2012)405.

¹⁷² B Lowe 'The bildungsroman' in RL Caserio & C Hawes *The Cambridge history of the English novel* (2012)405.

¹⁷³ Unpublished: AT Iversen 'Change and Continuity: The bildungsroman in English' unpublished PhD thesis, University of Tromso, 2009 11.

of childhood, the conflicts relating to generations, small town versus the city, self-taught, estrangement, love troubles, the search for a calling or profession, a working philosophy and eventual incorporation (or sometimes failure to integrate, withdrawal or alienation).¹⁷⁴ The common thread among the definitions, whether from an Afrocentric perspective or Eurocentric perspective, is that the genre emphasises the growth and change in the protagonist's life. Slaughter concludes that this genre is reconciliatory.¹⁷⁵ The classic *bildungsroman* draws attention to choices that achieve a better life.

Iversen notes that German Purists view the classic *bildungsroman* from the German origins and the historical context.¹⁷⁶ On the other hand, what Iversen explains that International Pluralists understand the *bildungsroman* genre as just as compelling outside Germany and as evidenced by twentieth century writers especially females and other smaller writers who chose to subvert the genre to send a view point across.¹⁷⁷ The German Purists are also concerned about keeping the genre as pure as possible such as the male protagonist who journeys from childhood to maturity to find their identity and purpose. In the process, the protagonist would find love, fulfilment and success.

Slaughter explains the attraction of this genre to minority writers coincided with the growth of human rights as the language of international affairs.¹⁷⁸ Thus, there is an increase in interest of stories of historically marginalised people.¹⁷⁹ In support of this view, Tobias Boes enlightens that the rise of feminist, post-colonial and minority studies in the course of 1980s to 1990s that the definition of classical *bildungsroman* forcibly accommodates the novels that had a resemblance to the earlier German *bildungsroman* texts.¹⁸⁰ These views clearly describe the

¹⁷⁴ P Brown 'The poison at the source' in JJ Pappas 'Women and the bildungsroman' (1993) 36 3 *English Literature in Transition 1880-1920* 354.

¹⁷⁵ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1411.

¹⁷⁶ Unpublished: AT Iversen 'Change and Continuity: The bildungsroman in English' unpublished PhD thesis, University of Tromsø, 2009 11.

¹⁷⁷ Unpublished: AT Iversen 'Change and Continuity: The bildungsroman in English' unpublished PhD thesis, University of Tromsø, 2009 11.

¹⁷⁸ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1411.

¹⁷⁹ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1411.

¹⁸⁰ T Boes 'Modernist Studies and the *Bildungsroman*: A Historical Survey of Critical Trends' (2006) 3 2 *Literature Compass* 231.

attraction to the *bildungsroman* as a novel of protest or advancement of the needs of various people within the society.

Feminist critics define the classic *bildungsroman* as being male orientated both in the story line and its creators. Brown describes this genre as having a male standpoint; therefore, the story of self-development is an affirmative one.¹⁸¹ The society being patriarchal it is, therefore, understandable why the storylines are masculine when male written and the affirmative voice in the stories. Feminist literary critics advocated for the female *bildungsroman* and give *Jane Eyre* by Charlotte Bronte as a groundbreaking female *bildungsroman* text. However, in this study, from a postcolonialist view, it still is Eurocentric and therefore does not count as a proper *bildungsroman* representing African women in total.

Brown points out that the feminine *bildungsroman* as compared to the classic *bildungsroman* does not keep the female as an infant dependent on the male for sustenance. Childhood is not a metaphor for dependency but a process of maturity.¹⁸² For example, readers witness Tambu's growth comprehensively such that at a tender age she could recognise the unfairness that culture and patriarchy had on the female consciousness.

In conclusion, this section looked at the classic *bildungsroman* and the challenges with regard to its definition. Like the International Pluralists, I agree that the pure *bildungsroman* no longer exists. The next section looks at the classic *bildungsroman* and *Nervous Conditions*.

3.7 Classic *bildungsroman* and *Nervous Conditions*

The section before explains what the classic *bildungsroman* is and the other *bildungsroman* that has since emerged in various parts of the world. This section aims to find how Dangarembga subverted the classic *bildungsroman* in *Nervous Conditions*.

As previously, stated, *Nervous Conditions* is a text that deliberately breaks the canonical requirements of a classic *bildungsroman*. For Dangarembga, it is critical that she writes a story that embraces the stories of African women from all facets of life. Although the story is told from a young girl's point of view that does not stop the young protagonist from grasping the

¹⁸¹ P Brown 'The poison at the source' in JJ Pappas 'Women and the bildungsroman' (1993) 36 3 *English Literature in Transition 1880-1920* 355.

¹⁸² P Brown 'The poison at the source' in JJ Pappas 'Women and the bildungsroman' (1993) 36 3 *English Literature in Transition 1880-1920* 355.

unfairness that inhabits the society she lives in. From early on, Tambu recognises and falls victim to the patriarchal tendencies of her male side of the family.

While a typical classic *bildungsroman* contains just the story of the protagonist's journey to self-realisation and success in life, *Nervous Conditions* has the stories of more than one woman. Tambu states at the beginning:¹⁸³

For though the event of my brother's passing and the events of my story cannot be separated, my story is after all about death, but about my escape and Lucia's; about my mothers's and Maiguru's entrapment; and about Nyasha's rebellion-...

From that instance, I gather that Dangarembga unequivocally states that the story is not about men, but about the escape of women in the story from the clutches of a patriarchal society. This deliberate mention too in Chapter One clearly throws off the classical *bildungsroman*'s tendency to have the male figure as the protagonist. It shifts the centre from the male to the female. It upsets the societal norm of who is the focus. Therefore, Slaughter's assertion of the attraction to the classic *bildungsroman* by postcolonial writers is true; that it has the double ability to express claims of inclusion in the rights system and to criticize those customs.¹⁸⁴ Dangarembga fully takes advantage of that feature as she chooses to use Tambu as her narrator and her story is not individualistic but Maiguru, Nyasha, Lucia and Ma'Shingayi all contribute to the overall message.

The classic *bildungsroman* focuses on just the protagonist with the rest of the characters having fixed roles.¹⁸⁵ Dangarembga plainly chooses to give Nyasha and her mother, Maiguru fluid roles. Nyasha is not in a mould. At other times, she behaves as if she is calm and collected and at other times, she loses her inhibitions. Maiguru also displays the same tendencies as her daughter. However, she does the unexpected. Tambu explains:¹⁸⁶

To our surprise, Maiguru did leave, by bus, early the next morning. She did not slink away in the dark, but quiet openly packed suitcase, put on her travelling clothes, had her breakfast and left. Babamkuru was feeling injured, which was why I thought he let go, but Nyasha had a different theory. She thought Babamkuru simply did not believe Maiguru would do it. Would do it, could do it.

¹⁸³ T Dangarembga *Nervous Conditions* (2004)1.

¹⁸⁴ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1411.

¹⁸⁵ N Wilson-Tagoe in FA Abiola Irele (Ed) *The Cambridge Companion to the African Novel* (2009)189.

¹⁸⁶ T Dangarembga *Nervous Conditions* (2004)75.

Maiguru's move impresses her daughter, Nyasha. From Dangarembga's choice of words and phrases readers can deduce the firmness that came with the decision. Maiguru 'did not slink way in the dark' and 'openly packed' signifies a deliberate move that challenges Babamkuru's authority. Babamkuru as a figure of authority in the family has always had everyone within his vicinity quaking with fear but here Dangarembga shows a fearless Maiguru. However, the kind of firm and determined decision that Maiguru takes to change her life is commendable and sends a message that the battle is in the mind. Just like colonialism, patriarchy controls the minds of both the victim and the instigator. Both suffer from a nervous condition. This clearly links with the title of the book. Women due to their "nervous conditions" that is: jumpy, uneasy and edgy thoughts, struggle to leave or move away from oppressive conditions that patriarchy creates. It is, therefore, a momentous occasion that Maiguru who all along looked like a stock character challenges the Babamkuru control over her. Maiguru's move jolts not Tambu and Nyasha but also the readers. Readers' curiosity and emotions are aroused. Nussbaum explains that when the story engages readers' emotions, then can readers identify with what characters are going through thus bringing about a change in the society.¹⁸⁷ This is the power of Literature, the ability to cause readers to re-evaluate the world around them. This reaffirms that Law needs Literature to bring about change to African women's issues.

It is significant to the typical classical *bildungsroman* that the resolution results in the protagonist fitting into the society.¹⁸⁸ Dangarembga's female characters resist the easy fit in. This makes sense because the story exposes patriarchy therefore her characters cannot seem content in a patriarchal environment. In fact, all women question where exactly they fit in. This again links in very well with the title of the book. At the end of the story, it is clear all the female characters have a "nervous condition". None of them reaches their full potential. Patriarchal authority overshadows their efforts. Nyasha ends up suffering from anorexia nervosa. Tambu explains: 'I could hear retching and gagging from the bedroom.'¹⁸⁹ Maiguru goes back to her marital home even after having boldly left it. Tambu narrates: 'Babamkuru returned at eight o'clock the next morning, bringing his wife with him.'¹⁹⁰ Lucia goes back to school and finds a job through Babamkuru's help but society still labels her a "single mother"

¹⁸⁷ MC Nussbaum 'Poets as Judges: Judicial Rhetoric and the Literary Imagination' (1995) 62 4 12 *University of Chicago Law Review* 1488.

¹⁸⁸ J Sharpe *Allegories of empire: The figure of the woman in the colonial text* (1993)43.

¹⁸⁹ T Dangarembga *Nervous Conditions* (2004)203.

¹⁹⁰ T Dangarembga *Nervous conditions* (2004)178.

who from her name, Lucia, when textually read refers to a loose woman. Babamkuru reaffirms this notion and says: ‘...because it is well known that she is an immodest woman.’¹⁹¹ Therefore, this points to the fact that patriarchy attempts to define the identity of a woman. Society calls Lucia ‘loose’ person but the same society calls Takesure a ‘man’. The term ‘loose’ does not apply to him even though he has impregnated more than one woman at the same time. Tambu realises education, even though promised to open doors for her and other women in the story, it is not real freedom, as she had believed initially. It dawns on her the need to distinguish clearly appearance from reality.

While Ma’Shingayi sees the wrong that religion, colonialism and patriarchy bring to women; she struggles to break the mould that buries her in them. Women in the novel do represent African women of all walks, young and old and their struggles. The effect on the young African women and their failure to break the mould implies that even the unborn females are born into a society that does not recognise them. Tambu’s brother’s death symbolise a hope and future for her sisters Rambanai and Netsai who will not have to face Nhamo’s dominance. On the other hand, Tambu’s mother gives birth to another son, Dambudzo that which means a trouble maker. The only time Dangarembga describes him readers learn of the pink bootie he wore. This image is tragic as it points to the normalcy around male superiority within the society. Dambudzo wearing a pink bootie is not really out of place or questioned by anyone. No one notices the anomaly that a male child is wearing pink. Pink, a colour generally associated with female babies. It is such normalcy that I use Literature to question the human rights system as an answer to world problems as it misses noticing some challenges facing African women.

In a story, conflict can be between person versus self, person versus person, person versus God, fate or supernatural, person versus society and person versus nature.¹⁹² In a typical classic *bildungsroman*, the protagonist battles conflict within himself and other people. However, the characters in *Nervous Conditions* battle all forms of conflict. Nyasha battles for the control of her thoughts, her body, her father and her environment. She battles to assert herself against a strict father and a semi-docile mother. After having lived in England in her early years, she struggles to fit into the environment of Rhodesia. According to Lucy Mazingi and Richard Kamidza, the Rhodesian environment had racially supported inequalities, prejudice, and

¹⁹¹ T Dangarembga *Nervous conditions* (2004)146.

¹⁹² ‘Types of Conflicts in Literature’ <https://bridgepoint.equella.ecollege.com/curriculum/file/69978e52-f685-47f0-acd8-bcf20defc943/1/ENG125%20-%20Types%20of%20Conflicts%20Found%20in%20Literature.pdf> (accessed 09 September2016)

disproportionate access to resources and withholding of basic liberties.¹⁹³ Nyasha knows why but cannot fully accept the status quo. She reads a lot of history and books in an attempt to silence the voices in her head that point to injustice and abuse she sees around her. Reading history symbolises Nyasha's need to understand the truth, however, in my opinion, this is a failed attempt as from postcolonialist perspective these books had a Eurocentric view of colonialism. She attempts to control what she can. Tambu relates that she: 'could hear her gagging and choking' for example.¹⁹⁴ The onomatopoeic sounds of 'choking' and 'gagging', forces readers to picture the pain and hear the depth and desperation Nyasha has for control of her life. To borrow from Nussbaum, Dangarembga compels readers to 'empathise' with Nyasha. Nussbaum explains empathy as '...the ability to put oneself in someone else's shoes, understanding that person's experiences and sensing them vicariously.'¹⁹⁵ Dangarembga deliberately uses all types of conflict in one character to show the complexity of African women's daily life. Law fails to recognise the complexities that Literature exposes.

In short, this section explored the relationship between the classic *bildungsroman* and *Nervous Conditions*. It introduced the novel and explored how Dangarembga used the classic *bildungsroman* to tell the story of African women during the pre-independent Zimbabwe. The following segment will analyse the system of the celebratory human story in comparison to the classic *bildungsroman*.

3.8 Classic *bildungsroman* and the celebratory human rights

This section aims to find the relationship between the classic *bildungsroman* and the celebratory human rights story. How do they relate with the becoming of an individual or a group of individuals? On the other hand, it will analyse the celebratory human rights story.

I argue that both the classic *bildungsroman* and human rights are foreign systems to Africa, therefore, they carry certain imperial notions around that postcolonialists like Said do not advocate for. In support of this, Tamale explains that the human rights approach in the UDHR reflects a western culture of a specific historic context.¹⁹⁶ In addition, Adamantia Pollis and Peter Shwab point out that human rights in the UDHR show a strong Western view by regarding

¹⁹³ L Mazingi & R Kamidza 'Inequality in Zimbabwe' in H Jauch & D Muchena (Eds) *Tearing Us Apart: Inequalities in Southern Africa* (2011)323.

¹⁹⁴ T Dangarembga *Nervous Conditions* (2004)193.

¹⁹⁵ MC Nussbaum 'Reply to Amnon Reich' (2006) 56 2 *Journal of Legal Education* 325.

¹⁹⁶ S Tamale 'The right to culture and culture rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007)152.

human rights outside social, political and economic climate.¹⁹⁷ When Tambu finally gets the opportunity to go to the mission where Babamkuru lives, she is disappointed that the ‘white house’ is not as beautiful inside. The “white house” is reminiscent of the White House in the USA, a symbol of power and advocate for human rights. The White House has as part of its top issues civil rights. However, despite, its grandeur, Tambu realises it is not as perfect inside so is the USA as an advocate for human rights and women.¹⁹⁸ Tambu describes the kitchen as follows:¹⁹⁹

It looked very sophisticated to me at that time. But looking back, I remember the cooker had only three plates, none of which was a ring; that the kettle was no electric; that the refrigerator was a bulky paraffin-powered affair. The linoleum was old, its blue and white pattern fading to patches of red where the paint had worn off and patches of black where feet had scuffed up the old flooring at its seams and water had dripped from hands and vegetables and crockery to create a stubborn black scum. The kitchen window was not curtained; a pane of glass was missing. This missing pane caused many problems because through the hole a draught blew, mischievously lowering the temperature in the oven so that buns and cakes were never quite light unless you could close the kitchen door and stop anybody from opening it, blocking the draught in its path. The broken window, the draught and its consequences were particularly annoying to Maiguru.

Dangarembga’s choice of words and phrases in the above quote such as ‘bulky’, ‘fading’, ‘worn off’, ‘stubborn’, ‘scum’, and ‘broken’ reflect the current human rights system. In my view, the kitchen, the linoleum floors, the mismatched colours of the walls, the curtainless window the broken pane and the old equipment are representative of the human rights system. It is a misfit and fails to meet the current needs. The mismatched walls represent the different views of human rights and the disagreements that surround the system of human rights. They also represent the international human rights bodies whose house is white representing peace yet inside it is disorganised and needing attention. While the human rights system should be intact and firm, it has gaping holes that constantly allow attacks that dissuade any progress that the system should make. The human rights system is frustrating and fails to become useful to those who desperately need it. Maiguru points out this frustration: ‘You’d think people would find time to fix windows in their own homes. Yet they don’t. It surprises me.’²⁰⁰ It is clear that Maiguru is in the inferior position as she cannot influence or demand change in her own home.

¹⁹⁷ A Pollis & P Schwab ‘Human rights: A Western construct with limited applicability’ in C Heyns & K Stefiszyn (eds) *Human rights, peace and justice in Africa* (2006)96.

¹⁹⁸ ‘Strengthening civil rights’ <https://www.whitehouse.gov/issues/civil-rights/discrimination> (Accessed 31 August 2016).

¹⁹⁹ T Dangarembga *Nervous Conditions* (2004)67.

²⁰⁰ T Dangarembga *Nervous Conditions* (2004)67.

Sadly, this is the situation of most African women, as human rights cannot effectively address their challenges. Reflecting on Maiguru's frustration, Nussbaum offers a better understanding of her state of mind that unless a reader is in her shoes, a reader may not understand what the fuss about the kitchen is. Nussbaum explains that a person's mind is well prepared to react to the unfortunate stories of other people.²⁰¹ Therefore, Dangarembga's choice of words invokes such feelings in a reader and hopeful will trigger a cause for change.

Of note is the colour black that Dangarembga uses to refer to scuff marks and the scum within the house.²⁰² In my view, these black marks are not pointing to the African women but point to the ingenuity that the celebratory human rights story carries about African women and their issues. It promises to promote and protect human rights yet within its house, it has stains that reflect that it has not been able to clear off its records of abuse and atrocities. The United States of America, one of the vanguards of the human rights celebratory story, has human rights abuses record in its war against terrorism.

Postcolonialists such as Said believe that Western linked systems carry the ideas of the West. Tamale refers to these as principles, motivations and interests.²⁰³ These carry certain ideologies that unconsciously infiltrate the mind-set of the user. Jenny Sharpe explains ideology as a method of programming and interpreting events. She further explains the codes involved in ideology as dominant, negotiated or oppositional.²⁰⁴ These codes determine which course the user of the ideology will take. Ideology is a belief system, which mars reality from a certain group of individuals. In a dominant code, the user would accede to the ideology without negotiating or totally refuting the ideology. Therefore, Dangarembga choosing to subvert the *bildungsroman* genre is refusing the genre with its dominance in the Literature discipline. It is taking an oppositional stance that refuses Western ideals domination. The *bildungsroman* characteristics do not always fit into the cultures outside of Europe especially in Africa. **Therefore**, there is need to usurp the form to suit the African context.²⁰⁵

²⁰¹ MC Nussbaum 'Reply to Amnon Reich' (2006) 56 2 *Journal of Legal Education* 326.

²⁰² T Dangarembga *Nervous Conditions* (2004)67.

²⁰³ S Tamale 'The right to culture and culture rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007)152.

²⁰⁴ J Sharpe *Allegories of empire: The figure of the woman in the colonial text* (1993)10.

²⁰⁵ JSF Vazquez 'Subverting the *Bildungsroman* in Postcolonial Fiction: Romesh Gunsekera's *Reef*' (1997) 36 *World Literature Written in English* 33.

I will point that countries have to deal with more than one body of human rights. These range from sub-regional to international levels. This question is pertinent when viewing the selectivity of International Court of Justice (ICJ) in bringing those who have committed human rights atrocities to book. The ICJ is the main judicial organ of the UN whose role is to settle and offer advice on legal disputes in line with international Law as required and requested by States and the UN's various organs and agencies.²⁰⁶ One of the arguments is that the ICJ considers sovereignty above human rights abuses.²⁰⁷ This begs the question if human rights are not as important as sovereignty. I believe human rights should precede sovereignty.

Regionally, for example, the ACPHR requires that State Parties forward reports every two years in accordance with Article 62 of the African Charter on Human and Peoples' Rights. These reports refer to legislative or other measures that States have taken to ensure the effect of rights and liberties guaranteed and recognised by the Charter. Only four countries had submitted in line with Article 72 of the Rules of Procedure of the African Commission as of the time accessing the ACPHR website.²⁰⁸ Therefore, I assume, State Parties take lightly procedures that should ensure the success of the celebratory human right story. These reports, as earlier stated are critical to the successful implementation of the human rights system in individual countries.

The link between the *bildungsroman* and human rights according to Slaughter is that they are both enabling fictions as each shows the ideal picture that each desires in the society with reference to the individual and the community.²⁰⁹ In other words, they mirror what Law and Literature wish the society to be like. How human rights should permeate all spheres of the African women's lives. Eleni Coundouriotis and Lauren M.E. Goodlad agree that both the human rights story and the *bildungsroman* argue for the individual's addition to the nation-state and this is the basis of the human rights Law discourse.²¹⁰

²⁰⁶ 'The Court' <http://www.icj-cij.org/court/index.php?p1=1> (accessed 25 September 2015).

²⁰⁷ 'Human rights take a back seat to sovereignty' <https://www.globalpolicy.org/international-justice/the-international-court-of-justice/51258-human-rights-take-a-back-seat-to-sovereignty.html?itemid=id#163> (Accessed 25 September 2015).

²⁰⁸ 'Submission of State reports' <http://www.achpr.org> (accessed 25 September 2015).

²⁰⁹ JR Slaughter 'Enabling Fictions and Novel Subjects: The *bildungsroman* and the International Human Rights Law' (2006) 121 5 *Modern Language Association* 1407-8.

²¹⁰ E Coundouriotis & LME Goodlad 'Comparative Human Rights: Literature, Art, Politics' (2010) 9 2 *Journal of Human Rights* 122.

Karen Bystrom explains that the critique of the *bildungsroman* is one way of revealing contemporary human rights order as both open and exclusionary and on the other hand, the novel itself as a reproducer of conformity to an imperfect system and agents of productive change within it.²¹¹ *Nervous Conditions* exposes the pains of becoming a woman. Although it is a story set in Africa, the pains the women in the story tell are familiar across the world. Women are not open to some places and positions in their communities such as those in leadership, authority and decision-making. Mai Tambu is not impressed with the *Dare* and its patriarchal tendencies of exclusion; she fumes to other fellow women in the kitchen:²¹²

‘Have you seen it happen?’ she waxed ferociously and eloquently, that a hearing is conducted in the absence of the accused?’ Aren’t they saying my young sister impregnated herself on purpose? Isn’t that what Takesure will tell them and they will believe it? Ehe! They are accusing Lucia. She should be there to defend herself’

Ma’Shingayi’s asks pertinent question regarding the *Dare*. Dangarembga’s description of her state is captivating and indicative of Ma’Shingayi disapproval of how the patriarchal *Dare* handles her sister’s issue. Dangarembga does not describe her as hysterical as the norm for women who are upset. Dangarembga uses the words ‘eloquent’ and ‘wax’ but still ‘ferocious’. Wax indicates smoothness, eloquence points to fluency while ferocity indicates the intensity. Therefore, Ma’Shingayi delivers the message without losing herself. She knows the message is important and points to how patriarchy excludes women.

To challenge that notion, Dangarembga gives Lucia the strength to fight exclusion. Lucia says to Takesure after storming into the *Dare*: “‘If you have an issue with me’, Lucia advised him’ stand up and let us sort it out plainly.’”²¹³ Nussbaum explains that Literature has the ability to encourage a pattern of the mind that leads to towards equality thus demolishing stereotypes.²¹⁴ Lucia shocks and shakes Babamkuru and the rest of the *Dare*. Her behaviour is a shakedown to the institution that is Babamkuru. She refuses to keep silent as expected in the *Dare*. The *Dare* is a family court that also reflects the justice system that fails to recognize the challenges facing African women. She breaks down the stereotype that woman ‘must be seen and not heard’ in the *Dare*. Readers realize the unfairness of the *Dare* to those that participate in it as a form of justice. The *Dare* has no particular interest in protecting Lucia’s rights nor do these

²¹¹K Bystrom ‘The Novel and Human Rights’ (2008) 7 4 *Journal of Human Rights* 395.

²¹² T Dangarembga *Nervous Conditions* (2004)139.

²¹³ T Dangarembga *Nervous Conditions* (2004)146.

²¹⁴ MC Nussbaum ‘Poets as Judges: Judicial Rhetoric and the Literary Imagination’ (1995) 62 4 12 *University of Chicago Law Review* 1489.

rights exist anywhere in the society. It is Literature that points Law to the inadequacies that exist in the justice system.

Slaughter in another work concurs that novels propagate some of the closures of the human rights system and readers of fiction play a part in sustaining that system as normal.²¹⁵ However, Dangarembga uses the novel as a tool that emancipates African women. *Nervous Conditions* exposes what a typical classic *bildungsroman* fails to do, that is, showing the depth of the character's consciousness. It is not just a story of African women but also a story of all of their struggles. These encompass struggles for education for Tambu, emancipation for Nyasha, decisions concerning reproductive health for Ma'Shingayi, financial independence for Maiguru and freedom of choice for Lucia to mention a few. These rights are real to these African women.

In conclusion, this chapter explored the relationship between colonialism and human rights. I explained the likeness of the two systems based on their ideology, selectivity, and economic development. I contended that ideology drives the two systems to control the way the world views them. Selectivity dwelled on how human rights and colonialism present ideologically as good yet not good for all systems that benefitted and benefit a few. While pursuing the good for everyone human rights like colonialism divides people although in a subtle manner. Africa is a recipient of humanitarian aid as Spivak points out. By that virtue, she becomes 'othered'. I also pointed out through Tamale that patriarchy and religion relegates African women to the 'other' of their communities. These differences in economic development show when investors from Europe and North America demand adherence to human rights conditions as a prerequisite for investing. Thus, human rights like colonialism serve to create conditions for the investors to become richer. I carefully argued that human rights is another form of colonialism. The critique of classic *bildungsroman* and the celebratory human rights story centred on the Eurocentric view they project, that both are novelistic, that they aim to afford the reader and the citizen the opportunity to better himself or herself as Slaughter explains. However, as I argued that novel idea of becoming is fleeting and unattainable especially for African women.

This chapter also aimed at carefully looking at the classic *bildungsroman*, its definition and the debate around the genre. I explained how different writers such as Dangarembga appropriate the genre to tell the story of African women. I mentioned features that attracted Dangarembga to the genre such as the genre being originally masculine and its ability to tell a story of becoming. I also discussed the classic *bildungsroman* and *Nervous Conditions* and relied on

²¹⁵JR Slaughter *Human Rights, Inc.: The World Novel, Narrative Form and International Law* (2007)328.

Slaughter to understand the relationship between especially how the text upsets the expectations of a classic *bildungsroman*. I argued how Dangarembga deliberately subverted the classic *bildungsroman* style of writing through deliberately centring the story on Tambu with support from other female characters and ultimately defying the fairy tale successful conclusion typical of the genre.

The next chapter draws conclusion on the questions discussed in the study.

Chapter 4- Conclusion

I was young then and able to banish things, but seeds do grow.²¹⁶

4.1 For now

The purpose of this study is to understand why human rights do not seem to address the challenges the world faces as its initial mandate is. I ask, if human rights are the promise of the world coming of age, why do ills still persist? I sought to explore what Literature can offer to human rights. I sought to answer this problem through the story in *Nervous Conditions* by Tsitsi Dangarembga.

The study's aims sought to explore the effect of colonialism on the lives of the African women in *Nervous Conditions* and how it is still present today. Secondly, it also sought to examine how *Nervous Conditions* challenges the classic *bildungsroman* and how this aids as a test to the celebratory human rights story today. Finally, it pursued the relationship between colonialism and human rights and the role religion and patriarchy play. These aims proved relevant as they aided me in understanding how colonialism is intricately links to human rights and ultimately how that affects the lives of the African women.

Chapter Two aimed at exploring how colonialism and postcolonial condition affect the African women as shown in *Nervous Conditions*. Colonialism led to infantilisation of African women and this with the help of patriarchy and religion created suitable conditions for the ill-treatment of the African woman. These conditions further carry into the postcolonial era. Issues of land ownership, infantilisation and body image definition among others continue to plague African women today.

Chapter Three paid close attention to the link between colonialism and the celebratory human rights system story. I attempt to draw similarities between the two systems. My argument rested on an assertion that these similarities make it difficult for human rights on their own to be successful as a system. Patriarchy and religion aided the integration and success of colonialism and human rights. I also pursued the definition of classic *bildungsroman*. I attempted to show that *Nervous Conditions* as a text that is not entirely a *bildungsroman*. I discussed how Dangarembga as postcolonialist writer deliberately subverts the genre and how this intention is clear and purposeful. I explored a possible relationship between the classic *bildungsroman*

²¹⁶ T Dangarembga *Nervous Conditions* (2004)208.

and the celebratory human rights story. I attempted to find the link between the two. The link made it clearer why Dangarembga chose to subvert the genre in *Nervous Conditions*. Human rights do not fit all situations like the classic *bildungsroman*, therefore, necessitating for change that suits the situation.

Through Law and Literature, I was able to show the role Literature plays in an attempt to understand why human rights has not been successful in addressing world problems and specifically African women. Law needs Literature. Nussbaum, a leading author in Law and Literature believes that ‘literary imagination’ or considering oneself in the situation of others rouses sympathy, which is essential to a public life. She further adds that Literature centres on the conceivable thus engaging readers to participate in reasoning an essential contribution to Law.²¹⁷

While I carried out this study using Critical Discourse Analysis and from a postcolonial approach, this allowed me to explore the text under study in a manner that displays the power struggles within the society that human rights do not entirely address. It enabled me to show how patriarchy assisted by religion cemented the power imbalances within African women’s lives. The women in *Nervous Conditions* felt the pressure that both patriarchy and religion enforced on them. I have attempted to show the link the human rights system has to colonialism. The human rights system is no different from colonialism only that it is subtle in its operations and that the human rights language makes it more appealing as a solution to world problems.

4.2 For tomorrow

The field of Law and Literature is not so popular in Africa. While in Europe and North America, it has been in existence for some time, most texts covered in those studies were either European or American. There is a need for a concentrated effort in using African Literature as an answer to issues of Law in Africa and beyond. Literature has the ability to transcend parameters that Law does not reach. Literature appeals to emotions, feelings and tells the story that Law may overlook.

While the emancipation of African women is enshrined in most human rights documents both international and regional, the full realisation of the emancipation is yet to come. Human rights do not seemingly hold all the answers to world problems. They are a system that has flaws

²¹⁷ MC Nussbaum ‘Reply to Amnon Reich’ (2006) 56 2 *Journal of Legal Education* 322.

despite its grand narrative and hope it holds. Like the classic *bildungsroman*, it holds a promise for brighter future but that does not come as expected. Human rights have not managed to enter into the private sphere of African women's lives as Tamale shows. It is within the private sphere where the abuse of those rights occurs. The private sphere is where African women should flourish from first before growth can reflect in the public sphere. My emphasis on the private sphere is because as already indicated; patriarchy breeds and flourishes within the private sphere first. The public sphere picture of patriarchy that the world and the human rights system have is a product of the private sphere influence. Through Literature, I have attempted to show the gap in the private sphere that Law does not adequately address.

Patriarchy is more than just a problem but a state that colonialism and religion exacerbated as already stated. Like Tamale, I disagree that culture plays a major role in the oppression of African women but can actually be emancipatory. From a postcolonial view, foreign systems like human rights do point a finger at African culture being a major tool of oppression of African women. That creates a dilemma for the success of the human rights story because it forces African women to choose following either their culture or pursuing their rights. In the process, whatever option African women choose there is no win for them. Therefore, the promise that human rights are remain just that. However, maybe Nussbaum Capabilities approach may offer a better solution to African women challenges if supported with human rights. The Capabilities approach unlike human rights is free from disputes over religion, western orientation, culture but it is more concerned about what can African women do and if they are able to do.

Of course, the Law has made available legal instruments that attempt to address issues of gender inequality, violence against women and children, access to education among others but these have just been a promise for the majority of African women. Law is prescriptive, therefore, does not see African women's challenges the way they really are. Law has particular frames that abuse should fit into. Cases such as those involving marital rape and harassment in the private space are still difficult to win legally. Literature, therefore, becomes the voice that speaks for these African women. The coming together of Law and Literature allows the reach of a greater audience.

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