Legal modernity, African women, and the novel: A Jurisprudential perspective

By

Sekai Zhou

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PROFESSOR KARIN VAN MARLE

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SUMMARY

Legal modernity, African women, and the novel: A jurisprudential perspective

This study reflects on the plight of African women and the failure of human rights to respond fully to it. For an insight into the problems that confront African women, I turn to two novels by African female writers. This study considers the coming-of-age novel or *Bildungsroman* as a stereotype of modernity. The study uses the narrative of human rights often portrayed as a *Bildungsroman* of sorts to demonstrate the limits of law and human rights, what Douzinas calls 'legal humanism'.

Law appears not to hold all the answers to why these human rights abuses against African women continue. The African female *Bildungsroman* seems to unmask the rationales why law and human rights seem ineffective. In addition, it provides an opportunity to explore possible alternatives to challenges confronting African women. The study uses Law and Literature approach while reading from various perspectives to understand better the plight of African women.

The study examines features of legal modernity and human rights to demonstrate the relationship between law and human rights and modernity. *Purple Hibiscus* and *Patchwork* reveal the lives of African women that seem understated in legal modernity and human rights. In exploring the main features of the *Bildungsroman* and the feminist critiques of it, we can draw similarities to the human rights narrative.

The aim is not to refuse human rights, but to indicate the gap that exists in their narrative. Adopting an empathetic jurisprudence allows us to imagine the world of justice through the eyes of African women. An empathetic jurisprudence recognises African women as human and deserving of rights. In addition, it recognises the intersectional challenges that confront African women. An empathetic jurisprudence represents the possibility of justice for African women.

KEYWORDS: African women; law and literature; empathetic jurisprudence; patriarchy; alternative modernities; Bildungsroman; human rights

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DEDICATION

I dedicate this thesis to all African women who struggle for justice.

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CHAPTER 1: INTRODUCTION

> ...he did not want me to seek the whys, because there are some things that happen for which we can formulate no whys, for which whys simply do not exist and, perhaps, are not necessary.[1]

1.1 RESEARCH PROBLEM

The main research problem of this study is to reflect on the plight of African women and the failure of human rights to respond fully to it. I turn to two novels by African female writers to expose the problems African women confront. I investigate the coming-of-age novel or *Bildungsroman* as a representative of modernity. I use the story of human rights, often portrayed as a *Bildungsroman* of sorts, to show the limits of law and human rights, what Douzinas calls 'legal humanism', to respond fully to better the position of African women.

It seems law does not hold all the answers to why these human rights abuses against African women continue. I propose turning to examples if theAfrican *Bildungsroman* written by African women to unmask the rationales of why law and human rights seem ineffective and to explore possible alternatives to challenges facing African women. I use the Law and Literature approach to understand the challenges confronting African women.

1.2 MOTIVATION AND BACKGROUND

Since the adoption of the Universal Declaration of Human Rights (UDHR), the hope was that the world would drift away from any form of harm, inequality, and discrimination that had plagued it in the previous centuries. In addition to the UDHR, Africa introduced, signed, and ratified the African Charter for Human and Peoples Rights (African Charter) 30 years ago to address the specific needs of Africans. Only South Sudan out of 54 countries has not signed and or ratified it.[2] Africans celebrated the African Charter as a sign of progress towards a more unified Africa. The Protocol to the African Charter on the Rights of Women in Africa commonly known as the Maputo Protocol specifically addresses the rights of African women. The Maputo Protocol has been in existence for 15 years. Despite the existence of the African Charter and the other legal instruments, abuses against African women persist relentlessly. Other binding instruments include the Africa Union Convention Governing Specific Aspects

[1] CN Adichie Purple Hibiscus (2010) 303.
[2] http://www.achpr.org/instruments/achpr/ (Accessed 17 August 2018).

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of Refugee Problems in Africa, the African Charter on the Rights and welfare of the Child, African Charter on Democracy, Election and Governance, Protocol to the African Charter on Human and Peoples Rights on the establishment of the African Court on Human and Peoples Rights among others. Interestingly, the Maputo Protocol which guarantees inclusive rights to women up to date has 36 countries that have signed and ratified; the African Charter on Democracy, Election and Governance had 10 countries that have signed and ratified while the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples Rights has 24 countries that have signed and ratified.[3] The question remains why these instruments have not helped to eradicate successfully challenges confronting African women.

I seek to understand what causes injustices, abuse, inequality, and discrimination to persist if the African Charter and other legal instruments are there to promote and safeguard these rights. For example, Article 2 of the African Charter assures every individual of enjoyment of rights without discrimination of any form.[4] I explore what forces inhibit African women from enjoying these rights as espoused in the legal instruments.

In the quote at the beginning of the chapter, Kambili, the fifteen-year-old protagonist and narrator from Chimamanda Ngozi Adichie's *Purple Hibiscus* illustrates the picture of the dilemma of African women. Some questions regard the place of African women and the promotion and protection of their rights whose answers Africa seemingly does not want to know. The unanswered questions leave African women vulnerable to abuse and injustice. I attempt to use a Law and Literature approach to understand the predicament of African women. I use African female writers Chimamanda Ngozi Adichie's *Purple Hibiscus* and Ellen Aaku-Banda's *Patchwork* to explore the challenges confronting African women. The two texts do not represent entirely the challenges and all African women but provide a glimpse and a perspective on them. [5] The overall idea is to come up with an understanding of why human rights and law seem inadequate in addressing African women's challenges. This study does not suggest a refusal of human rights but aims to indicate gaps in the concept regarding African women.

[3] http://www.achpr.org/instruments/achpr/ (Accessed 17 August 2018).
[4] http://www.achpr.org/instruments/achpr/ (Accessed 17 August 2018).
[5] For *Purple Hibiscus* and *Patchwork* author profiles, historical backgrounds, novel summaries and analyses refer to Appendix A.

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1.3 ASSUMPTIONS

1 Although human rights carry a promise to end most challenges affecting African women, hurdles still exist for African women in both private and public spheres.

2 Although independence for African countries heralded a promising future for all, law inadequately addresses difficulties confronting African women.

3 Literature could be a meaningful way to engage critically with the limits of the law.

1.4 RESEARCH QUESTIONS

The following research questions flow from the problem statement of this research and guide the focus of this study:

1 What are the features of legal modernity and human rights?

Modernity is a difficult concept to examine adequately; therefore seeking out its features in law and human rights seems less problematic.

2 What do the stories told in *Purple Hibiscus* and *Patchwork* reveal about the lives of African women?

Although modernity is a difficult concept to examine, its features present themselves in sources that it affects. *Purple Hibiscus* and *Patchwork* as alternative modernities provide an insight into the challenges that confront African women under modernity.

3 What are the main features of the traditional *Bildungsroman* and what are the feminist critiques of it?

The human rights narrative presents as a traditional *Bildungsroman*. Examining the features of the traditional *Bildungsroman* and the feminist critique of it exposes the gaps that exist in the human rights narrative towards addressing challenges confronting African women. *Purple Hibiscus* and *Patchwork* as *Bildungsroman* provide a counter-narrative to the patriarchal *Bildungsroman*.

4 How could a critical jurisprudence of rights engage with and respond to the lives of African women?

From the three research questions, I draw out and propose an empathetic jurisprudence that may respond to the challenges confronting African women.

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1.5 METHODOLOGY

This desktop study examines and explores numerous literary sources. I engage with Costas Douzinas and Adam Geary in their work on critical jurisprudence to examine legal modernity and human rights. Guiding their argument is the notion of the history of jurisprudence as the 'movement from general to restricted concerns' which changed the way the world thinks about the law.[6] The 'movement from general to restricted concerns' implies that the problem with law begins with a shift from the ideal of justice to merely the positive feature of law.[7] In addition, the movement means that the law slowly became methodological and specialised. The work of Douzinas in his own right contributes to the critique of modern human rights.

I use the African female *Bildungsroman* of Chimamanda Ngozi Adichie's *Purple Hibiscus* and Ellen Aaku-Banda's *Patchwork* as my key texts. (See Appendice A for a discussion of the novels and the historical context in which they are situated) My argument is that the African female *Bildungsroman* seems to account for the development and experiences of African women that counter the traditional *Bildungsroman* patriarchal narrative. [8] In addition, the choice of *Purple Hibiscus* and *Patchwork* is because they demonstrate features of an African female *Bildungsroman*. First, both texts exhibit protagonists who recognise their condition or situation.[9] This means protagonists notice that they have limits to their development. Kambili notices the limits after visiting Nsukka where her Aunty Ifeoma lives. She realises her cousin, Amaka, Aunty Ifeoma's daughter is outspoken and freely expresses her femininity.[10] In *Patchwork*, Pumpkin, the protagonist and narrator notices from the moment as a young child at Tudu Court that her grandmother did not want her.[11] Second, the protagonists develop awareness by creating contact with women who help their self-realisation.[12] The visit to Nsukka provides Kambili with an opportunity to strengthen relations with her aunt's daughter Amaka and Aunty Ifeoma too.[13] These two females become her strength during her tough moments. In *Patchwork*, when Pumpkin moves from Tudu Court to the Farm to live with her father, JS. She meets Sissy, their housekeeper, who

[6] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 2.
[7] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.
I give a detailed explanation of this shift in Chapter 2.
[8] R Felski *Beyond feminist aesthetics: Feminist literature and social change* (1989) 125.
[9] O Okuyade 'Narrating growth in the Nigerian female *Bildungsroman*' (2011) 16 *AnaChrosiT* 152 at157.
[10] CN Adichie *Purple Hibiscus* (2010) 117.
[11] E Banda-Aaku Patchwork (2011) viii.
[12] O Okuyade 'Narrating growth in the Nigerian female *Bildungsroman*' (2011) 16 *AnaChrosiT* 152 at 159.
[13] CN Adichie *Purple Hibiscus* (2010) 70, 111.

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becomes a mother to her.[14] Third, the protagonists become aware of their femininity.[15] In *Purple Hibiscus*, while visiting Aunty Ifeoma, she meets the young Catholic Father Amadi who becomes the target of her budding sexuality and womanhood.[16] *Patchwork* describes more of Pumpkin's sexual history while in Europe rather than her realising her femininity.[17] Fourth, the final stage is where the protagonist matures and self-realises.[18] In *Purple Hibiscus*, Kambili resists her father's control when she fights him to save a drawing of her paternal grandfather, Papa Nnukwu.[19] In *Patchwork*, Pumpkin after the death of her father, accepts that he was the cause of her problems and that of the women who were in his life.[20] Ogaga Okuyade, tracing the journey process in a *Bildungsroman*, cautions that African *Bildungsroman* does not highlight the harmonious integration of the protagonist with his or her society.[21] In *Patchwork*, Pumpkin makes amends with Mama T, while her mother, Totela reconciles with her mother Grandma Ponga, *Purple Hibiscus* offers what could be hope for harmony.

I pay particular attention to the female characters in the texts and their relation to male characters. I examine the power dynamics that exist within their African setting especially between males and females. I explore how Adichie and Aaku-Banda entice the reader to understand the difficult position of African women in a patriarchal society, therefore, advocate for improved, effective access and delivery of justice for African women.

I employ the Law and Literature approach to address the question of justice for African women.[22] Law co-exists with other disciplines, therefore; its application is contextual with other disciplines.[23] I explore the intersection between law and literature in how they address the challenges that confront African women. How do legal and literary texts represent justice

[14] E Banda-Aaku *Patchwork* (2011) 47.
[15] O Okuyade 'Narrating growth in the Nigerian female *Bildungsroman*' (2011) 16 *AnaChrosiT* 152 at 160-161.
[16] CN Adichie *Purple Hibiscus* (2010) 237.
[17] E Banda-Aaku *Patchwork* (2011)145.
[18] O Okuyade 'Narrating growth in the Nigerian female *Bildungsroman*' (2011) 16 *AnaChrosiT* 152 at 162.
[19] CN Adichie *Purple Hibiscus* (2010) 210.
[20] E Banda-Aaku *Patchwork* (2011) 213.
[21] O Okuyade 'Traversing Geography, Attaining Cognition The Utility of Journey in the Postcolonial African Bildungsroman' (2017) 49 *Matatu* 358 at 360.
[22] See, among many, G Minda *Postmodern legal movements: Law and jurisprudence at century's end* (1995) 149; PJ Heald *Guide to law and literature for teachers, students, and researchers* (1998) 6. They give a background to law and literature scholarship. Heald particularly provides the four broad schools of law and literature as 'law in literature', 'law and literature as language', 'law and literary movement' and 'law and literature and ethical discourse'. However, other schools exist outside these broad classifications.
[23] F Viljoen 'Introduction Disciplinary beyondness: A background to the conference and collection of papers' in F Viljoen (ed) Beyond *the law: Multidisciplinary perspectives on human rights* (2012) xiii at xvi.

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and what might truth mean in each different context? Are they complementary or conflicting approaches to addressing issues of justice towards African women?

I draw from several research methodologies (hybrid) to gain a greater insight into the challenges confronting African women. In addition, this approach allows for multiple perspectives of understanding a problem.[24] Multiple interpretations of a problem help to narrow down the source of a problem. Furthermore, there is flexibility in addressing the research questions.[25] One of the limitations to this design is the risk of incompatible conclusions from various methods.[26] I give deliberate attention to the integral elements of the data gathered. In this case, the several methods I use help show what and how African women confront their challenges. The section that follows provides a brief introduction of the characters and summaries of the novels.

1.6 SUMMARIES OF THE NOVELS

Purple Hibiscus by CN Adichie[27]

The novel is a four-part coming-of-age *Bildungsroman* about a fifteen-year-old Kambili Achike, and her older brother Jaja, who confront political and social pressures while growing up. Kambili is the narrator and focal character of the text. Kambili comes from a privileged family in Enugu, Nigeria. Her family comprises older brother Jaja, mother Beatrice, and an exceptionally prominent father Eugene. While the men in the Achike family are outspoken with Jaja being rebellious too, Kambili and her mother present a mute presence. From this view, Kambili intimately curates the good and the bad episodes in her family. Sisi is the house helper who assists Beatrice in her housework.

Eugene seems a very loving father and husband to the outside world, he unleashes violence on his family under the cover of religious militancy where no one could witness or challenge his behaviour.[28] Kambili has open conversations with her mother, Mama. Mama seems to speak freely with Kambili over issues in her marriage, from her pregnancy and her numerous miscarriages.[29] Readers also learn how Mama believes that her husband loves her as he at numerous times refuses to bring another woman into their marriage despite pressure from the

[24] R Hall *Applied social research: Planning, designing, and conducting real-world research* (2008) 123-124.
[25] R Hall *Applied social research: Planning, designing and conducting real-world research* (2008) 123.
[26] P Bazely *Integrating analyses in mixed methods research* (2018) 236.
[27] See Appendice A for historical background, a detailed summary and analysis of the novel.
[28] CN Adichie *Purple Hibiscus* (2010) 102.
[29] CN Adichie *Purple Hibiscus* (2010) 20.

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umunna.[30] The umunna wives are women married to the *umunna* men. The *umunna* is the extended family of where one comes from.[31] The *umunna* believes that Papa, their son, should have another wife to give him more children. Mama tells Kambili about her pregnancy who later confides the news to Jaja.

Kambili and Jaja are granted permission to visit their paternal aunt, Ifeoma in Nsukka.[32] Eugene and aunty Ifeoma are siblings. Aunty Ifeoma and Eugene barely communicate. Eugene despises his father, Papa Nnukwu because he believes that he is a heathen. His sister, a university lecturer, accords their father of all the love and respect due him.

One Christmas occasion, Eugene with his family, as usual, visits his home-town, Abba, and there meets his sister, Ifeoma, who is visiting with her family too.[33] Her family includes her outspoken daughter, Amaka, the sons; Chima and Obiora. This encounter grants the cousins the opportunity to meet and interact. This was an occassion that Eugene always denied his children. Aunty Ifeoma takes advantage of the opportunity and asks Eugene to take his children out. She later invites them to visit her at her university residence.

Though adamant, Eugene later allows his children to visit their aunty and cousins at their university residence.[34] The contact and the experience that Kambili and Jaja have at Nsukka shape and change their perception of life. For instance, Kambili gets the opportunity to witness her grandfather pray; this enables her to come to terms with the fact that her grandfather is after all not a heathen as they have been told by their father.[35] Jaja too begins to experience the freedom and ease of being oneself.

Eugene is later poisoned to death by his wife, Mama Beatrice.[36] Jaja owns up to poisoning him. Jaja is imprisoned for almost three years.[37] Aunty Ifeoma gets involved in a demonstration and is later dismissed from the university.[38] She secures a visa covering her

[30] CN Adichie *Purple Hibiscus* (2010) 20.
[31] '*Purple Hibiscus* Glossary' http://www.gradesaver.com/purple-hibiscus/study-guide/glossart-of-terms (Accessed 16 March 2020).
[32] CN Adichie *Purple Hibiscus* (2010) 107.
[33] CN Adichie *Purple Hibiscus* (2010) 53.
[34] CN Adichie *Purple Hibiscus* (2010) 112.
[35] CN Adichie *Purple Hibiscus* (2010) 167.
[36] CN Adichie *Purple Hibiscus* (2010) 290.
[37] CN Adichie *Purple Hibiscus* (2010) 300.
[38] CN Adichie *Purple Hibiscus* (2010) 261.

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family and they relocate to the United States of America.[39] Kambili is hopeful of a new era for her and her family.

Patchwork by E Banda-Aaku[40]

Patchwork, a *Bildungsroman*, is told from a nine-year-old Pumpkin, in the first-person narration, about the ills that bedevil her mother such as alcoholism, unrequited love from her father, Tata. Pumpkin narrates the lives of other women in her society. The Registrar of Birth's office registers Pumpkin with two different names, Pezo Sakavungo and Natasha Ponga.[41] The lack of identity afflicts Pumpkin throughout her childhood into womanhood.

In the prologue, Banda-Aaku introduces readers to Grandma Pongo, the maternal grandmother to Pumpkin. From the onset, Banda-Aaku portrays Grandma Pongo as a strong woman who is a complete contrast from her daughter, Totela, mother to Pumpkin. Grandma Ponga abhors ill behaviour especially from the males who are part of her life. The prologue introduces the antagonist, Joseph Sakavungo, also known as JS or Tata to Pumpkin. Tata has a precarious relationship with Pumpkin at the beginning. This relationship develops gradually once Pumpkin moves from Tudu Court to the Farm with her father.

The text is written in two parts. Part One, Lusaka, Zambia, 1978. Nine-year-old Pumpkin is living in Tudu Court, an apartment complex, with her mother, Totela.[42] This part of the book details a time in Pumpkin's life when she is taken by her *tata* (father), a successful businessman, from her alcoholic mother to live with his wife, Mama T, and family.

At Tudu Court, Pumpkin had her friends Daisy, Sonia, Bee, and BaDodo. It is BaDodo whom she forges a deeper friendship. Pumpkin narrates that sheagreed for BaDodo to be her play mom.[43] When Mwanza rapes BaDodo and she dies from an illegal botched abortion, Pumpkin is shattered.[44] Ba Dodo provided the attention she had not gottonfrom her alcoholic mother.

[39] CN Adichie *Purple Hibiscus* (2010) 286.
[40] See Appendice A for historical background, detailed summary and analysis of the novel
[41] E Banda-Aaku *Patchwork* (2011) vii.
[42] E Banda-Aaku *Patchwork* (2011) 3.
[43] E Banda-Aaku *Patchwork* (2011) 21.
[44] E Banda-Aaku *Patchwork* (2011) 128.

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Mama T unwillingly becomes stepmother to Pumpkin. This is not easy for her because Pumpkin is the living result of her husband's infidelity. Mama T, attempts to voice her detest to the presence of Kambili in her home that her husband ignores.[45] Mama T does not hide her hatred of Pumpkin. Pumpkin becomes close to Sissy, the housekeeper to the Sakavungo. From the first night, Pumpkin arrives at the Farm, Sissy promises to look after her.[46] Pumpkin easily accepts that arrangement as she was used to being passed around or left to her own.

Part Two, Pumpkin is about thirty years old, married with kids, but it seems that her childhood neglect from her parents affected her. The issues emerge in her relationship with Tembo, her husband. At one occasion, Pumpkin accuses Tembo of having an affair.[47] She physically fights the woman, Salome, much to her husband's despair. Tembo reveals to Pumpkin that she does not trust easily because of father.

Although JS was not a physically violent man, he inflicts emotional torture on people around him. He is wealthy, but does not care so much about the welfare of others especially women and children.[48] If he cared at all, he would not have brought a battered old car for Totela to drive his daughter to school.[49] He is a womanizer who is barely at home. His wife, Mama T is portrayed as a person who is constantly trying as much as possible to put her household together. It is after he dies that the family members get liberated. Pumpkin realises that her father was the problem to all the women he had in his life.

The section that follows provides a chapter outline of the study.

1.7 CHAPTER OUTLINE

This section gives a brief outline of each of the six chapters of this study.

The current chapter introduces the key issues and motivates the research problem; it provides a sketch of the study.

[45] E Banda-Aaku *Patchwork* (2011) 45.
[46] E Banda-Aaku *Patchwork* (2011) 47.
[47] E Banda-Aaku *Patchwork* (2011) 136.
[48] E Banda-Aaku *Patchwork* (2011) 172, 2.
[49] E Banda-Aaku *Patchwork* (2011) 2.

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Chapter 2 focuses on the features of legal modernity and human rights. To set the foundation, I examine the concept of modernity and enlightenment thought.[50] In addition, I explore the nexus of legal modernity and human rights. The features of legal modernity may reveal why the plight of African women persists and why human rights fail to respond to it. Furthermore, this chapter establishes my position on legal modernity and human rights that I weave throughout all the chapters.

Building from Chapter 2, Chapter 3 explores what *Purple Hibiscus* and *Patchwork* reveal about the lives of African women. The chapter begins with a discussion of the female characters in *Purple Hibiscus* and *Patchwork*. Following this is an analysis of what the novels reveal about the lives of African women. In this chapter, I argue that many of the challenges that face African women remain unaddressed by the law and human rights systems. In addition, in this chapter, I demonstrate and reaffirm the significance of novels to the study of law and human rights.

In Chapter 4, I turn to examine the main features of the *Bildungsroman* and the feminist critiques of it. I start with the origins of this genre, its link to the Enlightenment and its move from Europe to Africa. In addition, I explain other sub-genres that developed from the traditional *Bildungsroman* such as the African women authored *Bildungsroman*. The main features of the *Bildungsroman* are critical to juxtapose them against the features of legal modernity to demonstrate their similarities and link to modernity. In this chapter, I argue that the traditional *Bildungsroman* shares the same features of legal modernity in its outlook and processes. In addition, I discuss the feminist perspective of the traditional *Bildungsroman* that could have influenced the emergence of the female *Bildungsroman*. Furthermore, I explore importantly the feminist critique of the human rights perspective in addressing challenges facing African women.

Chapter 5 assesses how a critical jurisprudence of rights engages with and responds to the lives of African women. This chapter draws from the contribution of the previous chapters to suggest valuable insights into how human rights can respond to the lives of African women. The importance of this chapter is to show the gaps that exist with the current rights jurisprudence that makes it fail to address challenges that confront African women. This

[50] A note on the usage of Enlightenment and enlightenment, Enlightenment refers to the period while enlightenment refers to the process.

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chapter will draw from literature (novels) to suggest an empathetic jurisprudence that recognises empathy, humanness, intersectionality, and systematic inclusion as critical in addressing challenges that confront African women.

In essence, the study finds that the features of legal modernity and human rights due to their link to Enlightenment modernity fail to respond to challenges confronting African women. *Purple Hibiscus* and *Patchwork* reveal that in the real world, African women continue to confront challenges in post-independent Africa. The traditional *Bildungsroman* has links to eighteenth-century Enlightenment that presents itself in the human rights system. In addition, feminist critique of the traditional *Bildungsroman* indicates it is patriarchal and misrepresents the place of African women in society. A proposal of an empathetic jurisprudence indicates empathy, humanness, intersectionality, and systematic inclusion as a possibility that may contribute to addressing challenges that confront African women.

The following chapter explores the features of legal modernity and human rights.

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CHAPTER 2: FEATURES OF LEGAL MODERNITY AND HUMAN RIGHTS

> Deliberately looking for answers in the wrong places. Take her to the hospital. They'll diagnose the problem and give her something that is more helpful than all leaves and roots she is using.[1]

2.1 INTRODUCTION

The focus of the chapter is to examine the features of legal modernity and human rights and reflect on its overall impact on African women. In this way, the chapter demonstrates the inadequacies that exist in law and the human rights system concerning African women.

The chapter unfolds in the following way: In the first section, I make sense of the concept of modernity to set up the framework for understanding features of legal modernity and human rights. Part of the discussion on western modernity covers the role of Enlightenment as an era and a process in the birth of western modernity. Enlightenment introduces the idea of reason as the principal approach to achieving success and self-realisation. The idea of reason resonates strongly in modern law and human rights.

In addition, I explore other modernities such as African modernity rarely mentioned in the same breath as western modernity. Alternative modernities lead to a discussion of African modernity that challenges the idea of Enlightenment modernity as a grand narrative. Dilip Goankar in the examination of alternative modernities particularly considers alternative modernities as providing an atypical interrogation of the society.[2] This means that alternative modernities examine the society away from the usual methods and narratives. The quote from *Patchwork* at the beginning of this chapter is counsel from Grandma Ponga who is a maternal grandmother to Pumpkin over the illness of her mother. This quote examines if the answers to problems that bedevil African women in reality could be within the systems of law and human rights. In other words, this calls for an investigation of the source and character of the law and human rights systems. Is the world expecting answers in the wrong places? Could alternative modernities secure a response to these problems?

Having set the framework for making sense of modernity, the next section outlines the features of legal modernity. Legal modernity implies an undeniable relationship between law

[1] E Banda-Aaku *Patchwork* (2011) 206.
[2] DP Gaonkar *Alternative modernities* (2001) 1.

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and modernity. To unravel this relationship, I discuss the features of legal modernity such as law as self-grounding which I argue remains questionable because of their link to modernity. The self-grounding of law gives it the ability to work as a tool of social order but that has not made the world just and safe for everyone, particularly African women. Another feature I examine is the loss of morality in pursuit of professionalism, which I argue left the law unresponsive to the challenges that confront Africa women. The final feature of legal modernity I investigate is the law as political. Law shapes politics which ultimately directs the livelihood of the society. But for African women, I argue, this demonstrates they are ostracized as matters of politics are beyond their reach.

The second section of the chapter examines modern human rights. I reiterate that modern human rights are a product of modernity. The term 'modern' presupposes an irrefutable attachment that the human rights system has to modernity. I examine why these features seemingly fail to fully respond to challenges adversely confronting African women. What is abundantly clear is that both features of modern law and modern human rights indicate a change in modern legal theory that resulted from the shift from general jurisprudence to restricted jurisprudence. Costas Douzinas and Adam Geary explain that the shift from general to restricted concerns reduced law to a set of rules.[3] This implies that the question of what is law becomes difficult to answer, therefore, constantly threatening the soul of the law. In examining the features of modern human rights, I reveal 'the truth' about the law[4] that embeds itself in these features. The examination of the features of modern human rights begins with the contentious belief of their universality. I argue that universality hardly reflects the subjugated position of African women in society. Secondly, the view of human rights as ethical, I argue it is purely a preservation strategy that fails to detach them from the crisis of modernity.[5] Ethics gives human rights the confidence to seem moral and relevant. Thirdly, human rights as a new world order, I contend, reflects the Enlightenment obsession of reordering the society to achieve its goals. Douzinas explains that as 'moral legal,'[6] something that presents as trustworthy and legal. The final but not least feature I examine is the palpable obsession with the concept of human rights, which I argue, impedes justice, as human rights seem the consummate path to justice.

[3] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4, 5.
[4] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 5.
[5] S Steinmetz *Democratic transition and human rights: Perspectives on U.S. foreign policy* (1994) 3,209.
[6] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 148.

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In the third and concluding section of this chapter, I reflect on the effect of modern law and human rights on the lives of African women. I examine how the features of legal modernity and human rights explain the failure of law and human rights to address challenges that confront African women. From the onset, it is important to note that modernity adversely affects African women differently from African men.[7] This means modernity created different subjects that respond different to it. The following section attempts to understand modernity.

2.2 MAKING SENSE OF MODERNITY

Critical to my research problem is the features of legal modernity and human rights. I critically demonstrate how these establish the ability of African women to employ justice to enrich their lives. Before looking at the features of legal modernity and human rights, I discuss a brief overview of modernity as a concept.

The notion of modernity is complex, yet it permeates many aspects of life today. This suggests the inescapability of modernity. In this chapter, I explain the impact of modernity on the law and human rights and consequently, the effect of that on addressing challenges that confront African women. Various scholars map the roots of modernity back to the Enlightenment period in Europe.[8] My concern is about the process of Enlightenment because it has far-reaching effects than just identifying the historical period.

John Robertson, a historian whose interest covers the intellectual history of early modern and Enlightenment Europe, explains modernity as an eighteenth-century intellectual movement in Europe with specific distinctive ideas.[9] In addition, Robertson writes that the hope of enlightenment was that it would help locate the place of human beings in the world and better the human condition.[10] In other words, enlightenment ceases to be a historical period but also becomes an idea that transforms the person for the better. Robertson elucidates that enlightenment links with the field of philosophy whose ideas identify with the 'modern' and more so with 'modernity'.[11] Identifying enlightenment with philosophy detaches the field from constraining theology and grants it the authority to challenge ideas about the nature of the world. Most important, is that philosophy can deliberate about the human experience,

[7] R Tormos *The rhythm of modernization: How values change over time* (2018) 267.
[8] J Paris *Psychotherapy in an age of narcissism: Modernity, science, and society* (2013) 58.
[9] J Robertson *The enlightenment: A very short introduction* (2015) 1.
[10] J Robertson *The enlightenment: A very short introduction* (2015) 1.
[11] J Robertson *The enlightenment: A very short introduction* (2015) 2.

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which allows for exploration and clarification of those experiences.[12] For example, enlightenment in France leads to the French Revolution that terminates the monarchy, the benefits of the aristocracy and the political power of the Catholic Church.[13] Following this, Enlightenment becomes associated with political revolts and aspirations. Still at the root of those changes is the philosophical nature of enlightenment that questions why certain things are done in a particular way. The French masses observed the inequalities that the monarchy and aristocracy perpetuated. The French revolution brought equality and freedom to many and exemplified the tenets of enlightenment. In the same way, philosophy scholar Samuel Fleischacker suggests three developments that mark the Enlightenment period across various scholars. The first aspect is the process of transforming a religious monarchist close-knit Europe into a secular, democratic and individualistic society.[14] This leads to the end of religious wars that had bedevilled Europe. In addition, it permits the critique of religion and its traditions that constrict the rights of many. The second aspect is the advent of modern science, which grounds knowledge in observation and mathematical science rather than acquiescing to authority.[15] Beliefs in observation and science suggest that people begin to investigate their environment. Third and last, is the rise of liberal politics.[16] This denotes enlightenment opened doors for other political actors besides the crown and the nobles. Governments developed as people sought who should govern them and for how long. In essence, much of these principles remain today as part of modernity.

Of interest to me is how enlightenment opens questions on the criticism of the law, which led to its restructuring and in turn altering society. At the fall of the monarchy after the French Revolution, law changes as the previous laws needed to represent the monarchy. Application of reason to law seemingly facilitates the change the French needed in their society. As a result, the law becomes a tool for organizing society. One of the key questions during the Enlightenment period is the extent to which law could facilitate general equality.[17] A follow-

[12] K Gykeye *Tradition and modernity: Philosophical reflections on the African experience* (2011) 24.
[13] W Bristow 'Enlightenment' in EN Zalta The *Stanford Encyclopaedia of Philosophy* https://plato.stanford.edu/archives/fall2017/entries/enlightenment (Accessed 16 July 2020).
[14] S Fleischacker What is enlightenment? (2013) 2.
[15] S Fleischacker What is enlightenment? (2013) 2.
[16] S Fleischacker What is enlightenment? (2013) 2.
[17] H Monhaupt 'The object of interpretation: Legislation and competing normative sources of law in Europe during the 16th to 18th centuries' in Yasutomo Morigiwa and others (eds) *Interpretation of law in the age of enlightenment, law and philosophy library 95* (2011) 61 at 87.

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up question seeks to understand if a specific law on equality would make a difference.[18] However, far much more significant is how did Enlightenment ideology and the emphasis on reason influence the interpretation of law during Enlightenment. Today, I ask the same question, to what extent does modernity influence the law and human rights. I explore how that affects African women's struggle to access justice that addresses challenges confronting them.

Next, I attempt to define modernity. Kwame Gyekye, a Ghanaian philosopher and an important figure in the development of modern African philosophy, acknowledges the difficulty in defining the idea of modernity.[19] Gyekye explains that the difficulty comes from the root of modernity as a cultural phenomenon.[20] This implies that modernity as a cultural experience reflects the philosophy of its source that is the West. Gyekye represents a non-Western appreciation of modernity, as the majority of the scholars I use in understanding the concept of modernity are Western. Gkekye declares is that modernity is controversial as a moral prescription.[21] This implies modernity as both a cultural and philosophical experience that cannot apply universally. Culture is specific and relevant to a certain group of people. Gyekye deconstructs what is essentially an enlightenment narrative that fails to recognise other peoples and their cultures. Unfortunately, since modernity is inescapable, it has also created a crisis where it infiltrates all parts of society. Part of that crisis duplicates in the law and human rights systems, which I argue hinders access to justice for African women. I explore this in more detail under the 'Effects of legal modernity and human rights on African women'.

While Gyekye advances an African view of modernity, Friedrich Nietzsche, a German philosopher whose work influenced modern intellectual thought, especially poststructuralist's thinkers offers a religion linked perspective of modernity. The philosophy of Nietzsche includes his far-reaching appraisal of truth in favour of perspectivism; genealogical critique of religion and Christian morality. Nietzsche locates modernity with the death of God.[22] His notion of the death of God implies that an exclusive belief in God that the late seventeenth

[18] H Monhaupt 'The object of interpretation: Legislation and competing normative sources of law in Europe during the 16th to 18th centuries' in Y Morigiwa and others (eds) *Interpretation of law in the age of enlightenment, law and philosophy library 95* (2011)61 at 87.
[19] K Gykeye *Tradition and modernity: Philosophical reflections on the African experience* (2011) 264.
[20] K Gykeye *Tradition and modernity: Philosophical reflections on the African experience* (2011) 264.
[21] K Gykeye *Tradition and modernity: Philosophical reflections on the African experience* (2011) 264.
[22] FW Nietzsche & B Williams (ed) *The gay science* trans J Nauckhoff (2001)125.

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and eighteenth-century recognises is no more. Enlightenment introduces reason that questions the place of God in the lives of people. In other words, humanity no longer needed God to centre it.

At one point in European history, God was at the centre of all relations and maintaining order and morality through the divinely set monarch. Personal morality was of high value, therefore, critical in the maintenance of order in the world. Douzinas and Geary note that the approach of modernity, which values reason above God, inevitably indicates the loss of divine order and morality.[23] Governance of people did not have to rely on the divine right, as is the case with divinely set kings and queens. Moral theories no longer need the patronage of a deity to be reliable. Enlightenment births a scientific revolution that empowers humanity to 'depose' God as the centre of their lives. Later, in the chapter under the 'Features of legal modernity', I revisit how the loss of morality affects law and its deliverance of justice to African women.

Several scholars acknowledge that Nietzsche had a certain influence on the work of Michel Foucault.[24] Both Nietzsche and Foucault, though centuries apart, are not only critics of Kantian thought but also relevant to this study in their attitude towards power and truth in determining relations.[25] Ben Golder and Fitzpatrick in their book *Foucault's law*, reflect on Foucault's thoughts on law and modernity. They highlight Foucault's reliance on Kant's explanation of modernity as an 'attitude that one adopts towards the present'.[26] Foucault acknowledges that modernity can represent a time in history or as characteristics of a certain period in history.[27] In addition, he proposes to treat modernity as a stance or mindset concerning the present.[28] The present is the point when society reaches maturity. If modernity is a mindset about the present, what is the mindset concerning the reality of African women? Do law and human rights respond to the challenges that confront African women with the mindset concerning their present? In essence, I explore the attitude of the law and human rights towards resolving the issues affecting African women. Golder and Fitzpatrick elucidate

[23] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 50.
[24] M Olssen *Toward a global thin community: Nietzsche, Foucault, and the cosmopolitan commitment* (2016) 10; Foucault, M *The history of sexuality* vol 1 (2020) & Nietzsche *The genealogy of morals* (1969)
[25] J Westfall & A Rosenberg (eds) *Foucault and Nietzsche: A critical encounter* (2018) 23.
[26] M Foucault 'What is enlightenment' in P Rabinow (ed) *The Foucault reader* (1984) 32 at 39-40.
[27] M Foucault & C Gordon (ed) *Power/knowledge: Selected interviews and other writings 1972-1977* trans C Gordon and others (1980) 242.
[28] M Foucault & C Gordon (ed) *Power/knowledge: Selected interviews and other writings 1972-1977* trans C Gordon and others (1980) 242.

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that the definition Foucault provides stems from Immanuel Kant's response to the question of what is enlightenment.[29] However, Foucault describes the attitude of modernity as the notion of visualising the significance of the present and visualising it beyond what it is.[30] This implies the need to look beyond the just the contemporary, but also the past and the future. Significantly, Foucault refers to the attitude of modernity as a philosophical consideration that requires a concurrent constant critique and creation of humanity.[31] Put differently, Foucault views modernity as an attitude of looking critically at humanity, going beyond the limits that exist in our thinking and being able to reinvent humanity from that critique. Golder and Fitzpatrick conclude that modernity demands a traversing of limits after a crucial examination of the present and that of humanity.[32] In other terms, modernity compels reasoning to navigate the boundaries that exist.

Gyekye, Foucault, and Nietzsche though centuries apart expounded modernity each depending on his influence and cultural understanding. No agreement exists among them except the deficiencies of the concept and the likely problems that modernity brings to society. But this is the problem with modernity, no one clear definition of what it is suffices. That is not necessarily a misfortune because this points to gaps that exist within the concept of modernity. In this chapter, I argue that if these gaps exist in the concept, they will surely exist in institutions such as law and human rights that modernity has infiltrated. In essence, what Gyekye points to as western modernity is an indication of the existence of other modernities.

Alternative modernities

Dilip P Gaonkar, who has an academic interest in global modernities and their influence on politics, admits to the inescapability of modernity and recommends thinking in terms of 'alternative modernities'.[33] Of significance too is that Goankar places modernity in the West.[34] This sentiment echoes that of Gyekye discussed earlier who explains modernity as birthed in the West.[35] Goankar's assertion is imperative to my argument as it underlines why alternative modernities are essential to achieving justice for African women. Alternative

[29] M Foucault in B Golder & P Fitzpatrick *Foucault's law* (2009) 107.
[30] M Foucault in B Golder & P Fitzpatrick *Foucault's law* (2009) 108.
[31] M Foucault in B Golder & P Fitzpatrick *Foucault's law* (2009) 108.
[32] B Golder & P Fitzpatrick *Foucault's law* (2009) 107.
[33] DP Gaonkar *Alternative modernities* (2001) 1.
[34] DP Gaonkar *Alternative modernities* (2001) 1.
[35] K Gykeye *Tradition and modernity: Philosophical reflections on the African experience* (2011) 6.

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modernities imply that other narratives exist that depict other worlds with other people outside those mainstream modernity demonstrates. Goankar elucidates that thinking of alternative modernities demands an appreciation of the difference between societal modernisation and cultural modernisation.[36] Societal modernity encompasses 'a set of cognitive and social transformation' while cultural modernity is 'the cultivation and care of the self.'[37] This indicates the dual character of modernity that exists in most things it influences and constructs. In addition, this emphasises the urgent need to turn to general jurisprudence to dissect this duality and its control on law and human rights. In addition, it ultimately, deconstruct its influence on the deliverance of justice for African women.

In essence, in support of why alternative modernities are essential, Hannah Arendt, as Agnes Heller in her study of rights, modernity and democracy highlights, acknowledges the uncertainty that exists around the short existence of modernity and its boundary-less nature.[38] In addition, she considers modernity as a venture that can be an 'alternative social arrangement'.[39] Put differently, despite the short existence of modernity, under certain conditions, it can reorder how the world operates creating its traditions. The major fear is who and what force is in control of that modernity as it creates its traditions. In addition, what people will the creation of new traditions exclude? African women as already occupying the margins of the society due to patriarchy are vulnerable to further exclusion from new traditions. If modernity is a venture that is most likely to absorb all sorts of influences, its role in the lives of African women inevitably needs close monitoring. Gaonkar acknowledges the dilemmas of western-rooted modernity and believes alternative modernities 'privilege a particular angle of interrogation'.[40] His argument rests on several narratives that attempt to understand modernity with no one clear agreement. Goankar advocates for asking questions about the present to evaluate modernity better. As such to understand why law and human rights seemingly fail to address challenges that confront African women, I must consider carefully the current law and human rights discourse, particularly the features of legal modernity and human rights.

[36] DP Gaonkar *Alternative modernities* (2001) 1.
[37] DP Gaonkar *Alternative Modernities* (2001) 2.
[38] A Heller 'Rights, Modernity, Democracy' (1990) 11 1377 *Cardozo Law Review* 1377 at 1378.
[39] A Heller 'Rights, Modernity, Democracy' (1990) 11 1377 *Cardozo Law Review* 1377 at 1378.
[40] DP Gaonkar *Alternative Modernities* (2001) 15.

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Legal Modernity

In this subsection, I give a brief synopsis of legal modernity. Sionaidh Douglas-Scott, in her examination of law and legal theory in the twenty-first century, contends that we live in an age 'after Modernity' and it is up to legal theory to validate that fact.[41] Douglas-Scott identifies modern law with state law.[42] Douglas-Scott traces this notion from The Peace of Westphalia, which ended the Thirty Years war.[43] In addition, she identifies The Peace of Westphalia with the beginning of modernity.[44] It is this moment that delicately attaches law to modernity. The Peace of Westphalia paved the way for huge power shifts in Europe bringing to the fore the modern state system rooted in sovereignty.[45] One of the major changes was the end of the Holy Roman Empire, which exercised its power for years through the Pope and Emperors.[46] The Emperor was subject to the Pope's authority.[47] The Empire had more of a loose religious alliance.[48] Replacing the Holy Roman Empire was the international constitution that guided relationships among nations in Europe with certain rights that encouraged religious tolerance. [49] Although the church or religion had lost the power it once exerted, the option of religious tolerance expresses the diplomacy that concerns international relations scholars. What is most significant is that the severing of relations between the political authority and the church or religion gave birth to the secularisation of the law and the beginning of modern law.[50] The severing of the church or religion is resonant of the events during the enlightenment period in Europe too. Similarly, historian Steven Patton confirms that historians and international relations scholars view The Peace of Westphalia as the basis for much of the modern international law and diplomacy.[51] The Peace of Westphalia is both an event and a period marker. It indicates the shift from ancient to modern existence or moving from church control to state control.

[41] S Douglas-Scott *Law after modernity* (2013) 1.
[42] S Douglas-Scott *Law after modernity* (2013) 23.
[43] S Douglas-Scott *Law after modernity* (2013) 23.
[44] S Douglas-Scott *Law after modernity* (2013) 23.
[45] S Douglas-Scott *Law after modernity* (2013) 23-24.
[46] S Douglas-Scott *Law after modernity* (2013) 24.
[47] BE Whalen *The two powers: The papacy, the empire, and the struggle for sovereignty in the thirteenth century* (2019) 9.
[48] BE Whalen *The two powers: The papacy, the empire, and the struggle for sovereignty in the thirteenth century* (2019) 9.
[49] S Douglas-Scott *Law after modernity* (2013) 24.
[50] S Douglas-Scott *Law after modernity* (2013) 24.
[51] S Patton 'The Peace of Westphalia and it Affects on International Relations, Diplomacy and Foreign Policy' (2019) 10 1 *The Histories* 91 at 95.

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In as much as Douglas-Scott ties the Peace of Westphalia with the beginning of modern international law, not all scholars agree with her. According to Peter Fitzpatrick in his examination of Westphalia and the poetics of law, scholars who disagree with the Peace of Westphalia notion would ask whether there was an applicable cessation from the feudal into the 'modern' state system and if that is so, how do they explain states that were 'independent' before the Peace of Westphalia.[52] In addition, former diplomat and American academic Stephen D Krasner refutes the idea that the Peace of Westphalia birthed a new international order that stems from the genesis of independent sovereign states.[53] The arguments against the Peace of Westphalia as the start of legal modernity are important to clarify the beginnings of a modern legal system. However, there may not be a consensus among scholars about the origins of legal modernity just like the several impressions of modernity itself. On the other hand, it is possible to discuss modern law without the preamble of its unstable evolutionary theoretical assumptions.[54] Put simply, I suggest that different historical periods contribute to what modern law is today. However, in this study, I particularly examine the Enlightenment era as the starting point of legal modernity.

Despite the lack of consensus on the origins of legal modernity, the need to describe the parameters of legal modernity remains relevant to this study. Helen M Stacy discusses how postmodern and critical social theory transforms legal theory. Stacy argues that postmodernism could profoundly change the legal meaning of intervention, reason, and purpose.[55] It is against this background that Stacy elucidates modern law as a constituent of the Enlightenment.[56] Enlightenment as a concept encourages humans to pursue knowledge and the potential for personal freedom.[57] In light of the feudal historical times when the monarch retained absolute control, limiting ordinary people from questioning decisions the monarch made for them. The Enlightenment provided an opportunity for people to decide about their lives. Furthermore, Stacy notes that modern jurisprudence has its origins in parliamentary self-governance independent from total monarchy rule.[58] The Enlightenment

[52] P Fitzpatrick 'Taking place: Westphalia and the poetics of law' (2014) 2 1 *London Review of International Law* 156.
[53] SD Krasner 'Westphalia and All That', in J Goldstein & RO Keohane (eds) *Ideas and foreign policy: Beliefs, institutions, and political change* (1993) 235 at 235.
[54] K Tuori *Critical legal positivism* (2016) 4.
[55] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 49, 96, 121.
[56] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 42.
[57] JM Beach *What is enlightenment? A history & sociology of knowledge* (2013) 74.
[58] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 42.

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period set conditions for a political shift from monarchical divine rule to 'representative democracy' which inevitably became 'universal freedom and equality.'[59] Put differently, the Enlightenment-era paved the way for democracy and the exercise of human rights. Enlightenment empowered people outside nobility to be able to decide who will rule them, represent them and for how long. This was a significant departure: from accepting divinely appointed monarchs to voting for representatives in the parliament.

The change from monarchical divine rule to representative democracy indicates changes to the laws governing these systems. Law, too, became modern to respond to the modern world. Law became fundamental to the fabric of society in the absence of monarchical divine rule. Law regulates human behaviour.[60] This means law became the centre of human relations. Noteworthy to postmodernists remain the reasons behind law becoming modern. Did law lose or benefit something that could make it better address the needs of modern society? My main concern is how modern law shapes access to justice for African women towards addressing the challenges that confront them.

Marc Galanter provides one of the earlier scholarly examinations of the modernisation of law. Galanter observed old and new states have certain mutual directions towards the growth, and strengthening of national legal systems before the shift to modern law occurs.[61] This implies national legal systems of ancient or modern states follow a particular trend in their pursuit of legal modernity. Galanter notes that this trend entails the application of laws that apply over broader areas; personal law replaced by territorial law, special law replaced by general law, and customary law replaced by statute law.[62] However, this is not the case with the majority of African countries as most have plural legal systems that allow customary law to apply. Plural legal systems in Africa are a product of colonialism, which is a consequence of enlightenment. Plural legal systems also present problems. In the first place in a plural legal system, individual rights replace corporate rights and responsibilities.[63] Yet owners and directors of businesses need to be accountable for their actions. Conversely, the law of limited ability allows business owners and directors not to be responsible for their actions. Big corporations have the right of a person without the responsibility. Secondly, secular

[59] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world (2001)* 42.
[60] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 153.
[61] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.
[62] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.
[63] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.

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intentions replace holy sanction likewise specialist skills replace moral sensitivity.[64] In other words, modernity allowed for religion to yield to secular reasons, God was no longer necessary to understand and navigate the world. Belief in God became a private chore, secularism allowed other beliefs to co-exist. Law making and its application move from local authorities who society could hold accountable to law specialists and professionals representing the government.[65] Law specialists and professionals account to no one but the government, therefore emerging as ideal lawmakers. Law specialists are ideal because their focus is law and accounting to the government only. Much of what Galanter refers to is the picture of the law of today. I reiterate the same sentiments under the features of legal modernity.

Since modernity is several things, it is arguable that modern law denotes a plethora of things. Modernity has a crisis too. It follows legal modernity may have a crisis. The basis of my premise is the complex relationships between modernity and law. As such it is debatable if what affects modernity does not affect the law. However, as I discuss under the features of legal modernity, the law presents as independent and incorruptible. Therefore, Galanter proposes to give a model rather than features of legal modernity as these like modernities tend to vary from one legal system to another.[66] While I agree with his view, I will still examine the features of legal modernity because it facilitates highlighting the role played by colonialism and patriarchy as vehicles of modernity. Ultimately, colonialism and patriarchy affect how African women access justice and enjoy their human rights.

I rely on Peter Fitzpatrick's work, specifically *Modernism and Grounds of Law,* Ben Golder and Peter Fitzpatrick's *Foucault's Law, and* Costas Douzinas and Adam Geary's *Critical Jurisprudence: The Political Philosophy of Justice* to bring forth my argument. The works of Fitzpatrick present the limits of law and effects of the deliverance of justice, in this case to African women. This understanding addresses one of my study's assumptions that seemingly the law fails to address adequately the challenges confronting African women.

[64] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.
[65] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.
[66] M Galanter 'The modernization of law' in M Weiner (ed) *Modernization* (1966) 153 at 154.

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2.3FEATURES OF LEGAL MODERNITY

2.3.1 Law as self-grounding

The first feature of modern law is the general assumption that its character is self-grounding.[67] This assumes that the law is probably impartial to forces outside itself. However, there is much more to law becoming self-grounded and the role of modernity in that character. I trace the self-grounding of law to the advent of the Enlightenment era in Europe. Enlightenment as a period and a process made people realise that it is possible to live without the direction of God and the monarch. The philosopher Immanuel Kant was more interested in the process of enlightenment rather than the historical period.[68] For Kant Enlightenment period gave an individual an opportunity to liberate oneself from immaturity.[69] Immaturity is the reluctance to use the mind to think for oneself so that one is not vulnerable to abuse. Enlightenment responded to the traditions that were there, before that, religion and the monarch protected the demise of the people. Kant believed that if people applied rational thinking they could liberate themselves from the ill-treatment that religion and the monarch perpetuated. In addition, Kant viewed Enlightenment as a time when people did not need guardians to make decisions for every part of their lives.[70] Previously, religion and the monarch acted as guardians that decided the lives of the masses. Furthermore, Kant observed enlightenment as an opportunity to use one's understanding.[71] This means Kant saw wisdom (reason) as a way to liberate oneself from the heavy yoke that religion and monarchy placed on the masses.[72] God was a guardian that directed people, but enlightenment showed that God did not need to be at the centre of society. Kant believed that humanity could not progress if she never thought for herself.[73] The rise of science and reason suggests that people can rely on something that they can prove tangibly exists. Humanity could measure her progress to civilisation if she could be wise enough to think for herself. People no longer regarded God the same way they did before enlightenment. Naturally, if there is a void space, another substance will occupy that space. What Kant probably never envisaged is that modern law would assume the guardian role that religion and the crown did pre-Enlightenment.

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[67] P Fitzpatrick *Modernism and the grounds of law* (2001) 70.
[68] S Fleischacker *What is enlightenment?* (2013) 2.
[69] I Kant & DF Ferrer *Answer the question: What is Enlightenment?* trans DF Ferrer (1874)(2013)2.
[70] I Kant & DF Ferrer *Answer the question: What is Enlightenment?* trans DF Ferrer (1874) (2013) 8.
[71] S Fleischacker *What is enlightenment?* (2013) 13.
[72] I Kant & DF Ferrer *Answer the question: What is Enlightenment?* trans DF Ferrer (1874) (2013) 6.
[73] I Kant & DF Ferrer *Answer the question: What is Enlightenment?* trans DF Ferrer (1874) (2013) 8.

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There is no cohesive agreement among legal positivists about the autonomy of law.[74] Stanley Fish criticised the law for maintaining a formal, positivistic self-image as a principle.[75] In addition, Fish explains this as an activity that rises above processes of interpretation and moral judgement.[76] Furthermore, Fish posits that law desires to be standard, distinct, and free or need any support from any other sources besides itself.[77] In other terms, modern law prefers to remain detached and immune to anything but itself. This is not a favourable position for African women whose challenges may find possible solutions if addressed within their social context.

Postmodernists, unlike positivists, argue that the notion of the autonomy of modern law is untenable.[78] Understandably, postmodern thinkers tend to distrust and repudiate ideas that enlightenment progressed humanity to civilisation. Concepts of grand narratives such as human rights, universal ideals receive suspicious treatment from postmodernist thinkers. Ruth Buchanan and others, in their examination of the connection of law to power and its association to reading and writing about the law in modernity, dismiss that assumption of law as self-grounding as just an extravagant claim.[79] This assumption of law as self-grounding stems from the need for the law to remain true, reliable and neutral to outside forces such as politics or economics. Self-grounding implies independence, self-sufficiency, and autonomy.

The necessity of self-grounding

Despite the arguments about the self-grounding of modern law, why is it important for the law to be self-grounding? The grounding of law like any other area in modern society is a challenge. There are several reasons why. Gary Minda explains, from an American jurisprudential perspective, the reason for the self-grounding of law in the post-modern era. The first reason for the necessity of self-grounding of law as Minda indicates is that it stems

[74] MH Kramer *In defense of legal positivism: Law without trimmings* (2010) 204. Kramer claims that law and morality are strictly separable. In addition, see J Gardner 'Legal positivism 5 1/2 Myths' (2001) 46 *American Journal of Jurisprudence* 1 for an in depth discussion of legal positivism. Gardner explains the attachment of the label legal positivists is a virtue of common themes rather than common theses. (1) Gardner proposes that legal positivists 'in any legal system, whether a given norm is legally valid and hence whether it forms part of the law of that system, depends on its sources, not its merits.' (2)

[75] S Fish 'The Law Wishes to have a Formal Existence' in S Fish *There's no such thing as free speech, and it's a good thing too* (1994) 141.

[76] S Fish 'The Law Wishes to have a Formal Existence' in S Fish *There's no such thing as free speech, and it's a good thing too* (1994) 141.

[77] S Fish 'The Law Wishes to have a Formal Existence' in S Fish *There's no such thing as free speech, and it's a good thing too* (1994) 141.

[78] S Douglas-Scott *Law after modernity* (2013) 45.

[79] R Buchanan and others (eds) *Reading modern law: Critical methodologies and sovereign formations* (2012) 2.

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from the need to portray the modern legal system as containing the most relevant and impartial responses to anything that confronts law.[80] Although Minda writes from an American legal view, his opinion resonates with much of the universal outlook on the self-grounding of law. This implies that the law is trustworthy and holds absolute truth and perfect answers to issues that affect the world. Yet that does not entirely explain why the law's truth is more reliable than other truths. There are other truths besides that of the law. This explains why jurisprudence aims to reveal and proclaim the truth of the law.[81] What does the law do to other truths that could delegitimise its superior position? The root of truth of law is in the metaphysics of truth rather than politics and justice.[82] The truth of the law is in its nature. Metaphysics of truth explains its origins.[83] The metaphysics of truth pulls law into the realm of power. Law becomes synonymous with power. Law legitimises power, therefore attaches itself to power. This is the result of the shift from general to restricted concerns.[84] Likewise, modernity facilitates the redefinition of the extent of truth as it decides what does and does not account for knowledge.[85] Foucault explains that law acquires legitimacy through excluding and including certain aspects in its field.[86] This implies that as the law became modern it separated itself from the fields of sociology and philosophy resulting in cognitive and moral loss.[87] Modernity, as a grand narrative can silence minor discourses. The nexus of law and modernity creates a grander narrative that not only continues to ground law but also maintains the superiority of truth.

Douzinas and Geary establish how the law was once at the centre of determining the relationship between the people and authority.[88] This relationship is significant because its progression traces back to the Enlightenment age. Moreover, what is traceable is if the law has made better the lives of people since acquiring its significant position between the people and the authority. The assumption is that the law acts as the wisdom in society and ensures

[80] G Minda *Postmodern legal movements: Law and jurisprudence at law's end* (1995) 61.
[81] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 5.
[82] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 9.
[83] Metaphysics of truth is the attempt to find its nature. For an elaborate discussion on the metaphysics of truth, see Douglas O Edwards *The metaphysics of truth* (2018).
[84] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.
[85] A Morton 'Invisible episteme: The mirrors and string of modernity' Master thesis, University of Canterbury, 2011 at 31.
[86] A Morton 'Invisible episteme: The mirrors and string of modernity' Master thesis, University of Canterbury, 2011 at 33.
[87] I discuss this further in the chapter. See C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4 - 5.
[88] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 3.

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the serving of justice whenever necessary. As I demonstrate, this assumption of law as wisdom and serving justice is fraught. The gaps in the law allows for the service of injustice to the powerless and insignificant in society.

Douzinas and Geary define wisdom as the 'consciousness of law' that is the essence of jurisprudence.[89] Consciousness implies awareness, mindfulness, and realisation. This implies law is aware, mindful and realises all situations that require its intervention in a manner that is just. Douzinas and Geary are quick to indicate that there cannot be the wisdom of law without the examination of the justice of the law.[90] It means that jurisprudence covers the gap that exists between what is law and what happens in reality. However, in this study, I demonstrate the existence of those gaps in the wisdom of law as it fails to address challenges that confront African women.

Equally, if law determines human social relations then it explains its need to be independent of any influence but of itself. People will not trust the law if it is free of truth and reliability. This seems like a straightforward proposition, yet it raises more uncertainties about the very source of truth that the law claims. Nietzsche explains that truth is not free from human influence as truth is an interpretation of what humans consider true at a certain period of their lives.[91] This implies that truth is relative to time and space. It can never fully apply universally. Vehicles of enlightenment such as colonialism, education, religion spread west birthed truth as a universal competent truth. The West assumes its knowledge; its truth is superior, therefore, good enough for everyone. Postcolonial feminists are aware that truth is an ideology that will always buttress the ideals of the owner of that truth.[92] Colonialism and patriarchy produce and disseminate 'truth' about African women whose harmful effects continue several generations of African women. Certainly, the truth of men and women is different, moreover the truth of African women and other people.[93] One of the reasons for the disparities of the truth of men and women is the concept of 'Otherness'. Women are the

[89] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 3.
[90] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 3.
[91] R Lanier Anderson 'Friedrich Nietzsche' <https://plato.stanford.edu/archives/sum2017/entries/nietzsche/> (Accessed 02 February 2019).
[92] B Littlewood *Feminist perspectives on sociology* (2004) 27-28.
[93] B Littlewood *Feminist perspectives on sociology* (2004) 30.

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'other' to men.[94] This is the lens we view those we think are different from us. Men separate themselves from women so navigate the world to their advantage.

What then is the truth of the law in the modern era? There is distinct agitation to this question because the law as self-grounding demands absolute belief in it. Despite the questions around the truth from the west, major parts of society appreciate it. Not everyone accepts the truth as it is. Nietzsche calls for a thorough critique of truth that evaluates its correctness and worth.[95] In the same way, Philosopher Martin Heidegger known for his influence on phenomenology, hermeneutics, and existentialism dissuades from asserting something as true before it reveals itself openly.[96] Both Nietzsche and Heidegger refuse to take truth as certain. If truth is the main stay of what grounds law then a thorough examination of its sources is imperative. Modern law, therefore, needs re-evaluation for inconsistencies of what it defines as true.

While Nietzsche and Heidegger call for a comprehensive examination of truth, philosopher Michel Foucault claims particular power anatomy entrenches truth.[97] Power anatomy implies money, force, and ideologies as the root of power that determines the definition of truth. Whoever or whatever organisation has money, force or ideology can control truth for that moment. De Vos writing from a South African post-apartheid law perspective affirms that law produces its truth because power produces knowledge to match a certain existing organisation.[98] In short, the law produces its truth to match the need of those in power. The relationship between the law and apartheid in South Africa demonstrates this assertion. The apartheid government used the law to enforce its policies. Although black South Africans were the majority in numbers, they did not dominate the management of the country. In post-apartheid South Africa, the same sentiments De Vos expresses apply, as the laws still reflect the ideals of the group that dominates politics and the economy. De Vos concludes that law is a pawn used in the war of domination.[99] This observation negates the idea of law as self-grounding. If the law is a pawn, it suggests that it is an instrument to fulfil the needs of the

[94] S de Beauvoir & HM Parshely(ed) *The Second Sex* trans HM Parshely (1949) xxii.
[95] R Lanier Anderson 'Friedrich Nietzsche' <https://plato.stanford.edu/archives/sum2017/entries/nietzsche/> (Accessed 02 February 2019).
[96] JD Caputo *Demythologizing Heidegger* (1993)18.
[97] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 56. See M Foucault *The order of things: An archeology of human sciences* (1974) 4.
[98] P de Vos 'Refusing human rights? A Foucauldian account!' in K van Marle (ed) *Refusal, transition, and post-apartheid law* (2009) 121 at 127.
[99] P de Vos 'Refusing human rights? A Foucauldian account!' in K van Marle (ed) *Refusal, transition, and post-apartheid law* (2009) 121 at 127.

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powerful user. Equally, the use of law as a pawn implies it is vulnerable. Moreover, the law as a pawn implies that only those powerful enough to acquire it can use it to dominate. That sobering perspective explains the reason law fails to address challenges facing African women because African women cannot afford law in the fight for domination. Law is a tool that the dominant use to maintain power in a society. Law is far from being self-grounding. Other forces remain in control of the destination and purpose of the law.

The idea of truth as insecure is evident in the character of Eugene in *Purple Hibiscus* who views himself as the embodiment of the truth in his family.[100] His refusal to hear any other truth beside his in the family echoes the same view of Nietzsche that truth is time-bound. During his reign, Eugene defines the truth that his family lives by. His truth involves the constant abuse of his children and wife. His word is law, which implies his word is the truth. His truth also involves him ironically winning a human rights award. What were the truths of Beatrice, Kambili, and Aunty Ifeoma about Eugene's treatment of them? Aunty Ifeoma who is not under the 'law' of Eugene provides the liberating truth to Kambili and her mother. Kambili and Beatrice only realise the existence of other truths after they come into intimate contact with Aunty Ifeoma in the absence of Eugene. After that, Beatrice and Kambili could challenge the version of the truth that Eugene binds them to and therefore, realise a kind of justice. Therefore, if applying Nietzsche and Foucault, there is an urgency to evaluate the truth of the law and the forces behind it to realise some form of justice. In essence, the instability that truth displays opens up the possibilities of the existence of other truths outside the law.

2.3.2 Law as a tool of social order

The second feature of modern law that Golder and Fitzpatrick point to is the law as a tool of social order in the modern world.[101] This understanding I trace back to the Enlightenment era, which facilitated the entrance of law as a tool of social order. Social order became necessary after modernity created that social chaos in a bid to accommodate capitalism.[102] Modernity created social chaos with its promises and possibilities of emancipation that capitalism submerged. The rise of capitalism is identified with modernity.[103] It creates tension

[100] See Appendix A for more detail on the character of Eugene in *Purple Hibiscus*.
[101] B Golder & P Fitzpatrick *Foucault's law* (2009) 79.
[102] B de Sousa Santos 'Toward a postmodern understanding of modern law' http://www.boaventuradesousasantos.pt/media/Chapter%202(1).pdf (Accessed 06 August 2020).
[103] EH Mielants *The Origins of Capitalism and the "Rise of the West"* (2008) 2.

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and exposes inequalities that exist in society.[104] Victorians believed that the French revolution was avoidable if social control had been in place. David Black a leading legal sociologist notes the law as acts governmental social control.[105] Black clarifies that the premise of this idea is that law is part of systems of social control.[106] From Black, I deduce several assumptions about law and social order. First, that law is regulatory. Second, the world without the law is tumultuous. Third, it presupposes that the law has the aptitude to carry out this mandate. Fitzpatrick in explaining the mythology of modern law regards the law as dependent on society.[107] Law depends on society to remain relevant. Without society, the law ceases to exercise the power it does. In addition, Fitzpatrick regards modern law as mythic that depends on other factors to thrive.[108] The mythic view of the law is because of the idea that it is self-grounding, that it has no origins and thrives on its own. It is a myth that something with no origins attaches itself to modernity and becomes the guiding force of the modern world social order. Law cannot function on its own without enforcers. Furthermore, for Fitzpatrick, the core of the mythological aspect of the law is its contradictory characteristics.[109] For example, the law's origins are vague yet it is present and active. Law is not only a tool of social order but also a tool of unrest and change.

Social order is a human construct.[110] Modern social order is a construct that law makes possible.[111] In pre-Enlightenment Europe, the monarch decreed and it became law, enlightenment brought to the fore the use of reason to construct tools of maintaining order. Enlightenment allowed the law to become an instrument of human power that predominates over the world. However, what are the African women's views of social order?

Who determines the social order?

Simply acknowledging law as a tool of social control without dissecting that declaration leaves questions. For African women, the difference between identifying the power behind the law as a social regulator and addressing challenges confronting them is of crucial importance in their accessing justice. Law is not just law for African women as it determines

[104] JP Arnason *The labyrinth of modernity: Horizons, pathways and mutations* (2020)40.
[105] DJ Black 'The Boundaries of Legal Sociology' (1972) 81 6 *The Yale Law Journal* 1086 at 1096.
[106] DJ Black 'The Boundaries of Legal Sociology' (1972) 81 6 *The Yale Law Journal* 1086 at 1096.
[107] P Fitzpatrick *The mythology of modern law* (1992) 147.
[108] P Fitzpatrick *The mythology of modern law* (1992) x.
[109] P Fitzpatrick *The mythology of modern law* (1992) x.
[110] M Guidice *Social Construction of Law: Potential and Limits* (2020) 14.
[111] W Morrison *Jurisprudence from the Greeks to post-modernity* (2016) 105.

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their identity, ability, and place in their society. Douzinas and Geary emphasise that although the law is a system of rules, it inevitably embodies tenets, philosophies, and a wealth of meanings.[112] In addition, they write that the tenets of a legal system favour the dominant ideology of a society.[113] On the other hand, Fitzpatrick describes the origins of law as 'vacuous', 'empty' and 'layered irony'.[114] This speaks to the mythological aspect of the law that it exists like a fable that the world accepts as credible. If the origins of law are empty or exclude certain parts of humanity, what fills that vacuum then? The terrain in Africa is such that the dominance of colonialism and patriarchy is impossible to undermine or ignore. The male-dominated colonial and patriarchal systems not only exclude African women but also fortify their inferior positions in their societies. If the law is a tool of social order, it must be just, fair, and equal, regardless of gender, religious beliefs, race, colour, location, and sexual orientation. Yet, what is tragic is that African women in post-independent Africa continue to battle for the law to recognise their challenges and offer a working solution. Probably the struggle should not be for the law to recognise them.

Feminists are alert of the representation of African women in all spheres real or imaginary. Real spheres include law, business, politics, economics the imaginary include, films, stories, etc. Postcolonial feminist scholars Rajeswari S Rajan and You-me Park in their analysis of the concept of postcolonial feminism or postcolonialism reaffirm that the theoretical concern of modern postcolonial feminism is representation and location.[115] Representation and location articulate issues of race, gender, class, nationality, and sexuality, which are specific to challenges confronting African women. The representation and location of African women are absent in the law therefore; the law cannot be responsive to challenges confronting them. African women require the law that simply provides justice whenever they require it.

Purple Hibiscus portrays Mama Beatrice as a victim of heavy abuse and trauma.[116] What is noteworthy about her experience is that Kambili, as the narrator does not describe what happens to her sexually in her marriage. Readers conclude from the numerous involuntary abortions at the hands of her husband that she has no autonomy over her body. Eugene, her

[112] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 7.
[113] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 8.
[114] R Buchanan and others (eds) *Reading modern law: Critical methodologies and sovereign formations* (2012) 2105.
[115] RS Rajan and Y Park 'Postcolonial feminism or postcolonialism and feminism' in H Schwarz and S Ray (eds) *A companion to postcolonial studies* (2005) 53 at 54.
[116] See Appendix A under *Purple Hibiscus* Summary for more information about Mama Beatrice.

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husband, represents the rigid order not only in their sexual relationship but also in the Achike household. The absence of the portrayal of the nature of the sexual relationship Beatrice and Eugene have is reminiscent of the silence over the challenges of spousal rape in marriage. Marital rape is common to African women as the patriarchal-driven society and the law assume consent as given at the signing of the marriage contract or payment of lobola (dowry). In Nigeria, as shown in *Purple Hibiscus*, spousal rape is unheard of, if it is acknowledged, then society relegates it to the private sphere.[117] In Nigeria, spousal rape is not an offence, therefore, is non-prosecutable.[118] Both the Nigerian Criminal Code and Penal Code do not consider marital rape an offence. Marriage implies that there is a duty to have sexual relations. In this case, the law is a tool of selective social order against African women. Mama Beatrice is aware legally and culturally she must sexually consent, which leaves her in a position in which she cannot access any justice besides slowly poisoning Eugene to death.

2.3.3 Loss of morality

The third feature of modern law stems from the loss of morality in pursuit of professionalism. Douzinas and others explain that one defining feature of legal modernity is the separation of legality and morality.[119] Law excludes morality, ethics, and the right to question the legality, validity, and form of law.[120] This perhaps explains why law separates itself from morality to guard itself against questions about how it operates to provide justice. Douzinas and Geary point out the dawn of other disciplines as separate from the law such as sociology and psychology deprived the modern legal theory of cognitivism and morality.[121] In other words, sociology, which studies the science of society, social institutions, and social relationships would have been effective as part of the law.

Paradoxically, the law is knit into the everyday functions of society yet, it avoids any attachment to sociological interests. Sociologists Emile Durkheim and Max Weber wrote widely on the relationship between law and society especially in organising and classifying

[117] A Bamgboye 'Nigeria: Spousal Rape - What the Law Says' https://allafrica.com/stories/202003030478.html (Accessed 03August 2020).
[118] A Bamgboye 'Nigeria: Spousal Rape - What the Law Says' https://allafrica.com/stories/202003030478.html (Accessed 03August 2020).
[119] C Douzinas and others *Politics, postmodernity & critical legal studies: The legality of the contingent* (1994) 16.
[120] C Douzinas and others *Politics, postmodernity & critical legal studies: The legality of the contingent* (1994) 16.
[121] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.

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the society.[122] In other terms, there is abundant knowledge that demonstrates the relationship between law and society. For example, for African women, during the colonial era, law classified them as second-class people. The British coloniser used divide and rule policies.[123] The divide and rule policies were reflected across all sectors of the colonies. If the law detaches itself from sociological interests, it may miss understanding the background of African women. This background includes the legacy of colonialism, patriarchy and other harmful traditions. How then will the law respond to the challenges confronting African women?

At the core of the cognitivism debate in law is the idea of truth and falsity, and the mental acceptance of morality. This study seeks to understand why law and human rights have not successfully eradicated challenges confronting African women. The problems that African women confront in accessing justice seem to result from the loss of cognitivism and morality due to modernity. Law is fallible. Even though law needs to maintain distance from cognitivism and morality, it is fallible and changeable. What is really at stake is the protection of the authority that the law has over people. Examination of the authority of law threatens its repute. Legal cognitivism commands the attention of the likelihood for the human failure to interpret accurately the law within the jurisdiction it provides.[124] The likelihood of human failure is what law avoids in denying attachment to cognitivism and morality. From the challenges confronting African women juxtaposed to cognitivism and morality, there is a possibility that therein is a gap in the law.

The birth of modern legal theory denotes the death of cognitivism and morality.[125] The concern of modern legal theory is rationalism and positivism. Positivism places emphasis on knowledge established on reason and evidence. Helen M Stacy, writing from a postmodern law perspective, expounds that in law, positivism entails reading and pursuing the meaning expressed in legal words and texts.[126] To put it concisely, positivism relies on reason and science to determine truth and worth. Stacy explains the postmodernist argument against

[122] K Waśniewski *Capitalism and political power* (2017) 26.
[123] S Ssali 'Excluded from within: Gender, identity, and social reconstruction of postcolonial Africa' in MS Mapadimeng & S Khan (eds) *Contemporary social issues in Africa: Cases in Gaborone, Kampala, and Durban* (2011) 195 at 199.
[124] LD Barnett *Societal agents in law: A Macrosociological approach* (2019) 11.
[125] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 7.
[126] HM Stacey *Postmodernism and law* (2001) 47.

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positivism is the ability to conceal power in reason.[127] Reason expels morality as the law reduces to a set of rules that objectify power.[128] In essence, it is important for positivists to de-personalise power so that law detaches from moral reflections. Roger Cotterrell in his examination of the sociology of law claims that law seemingly influences the political power that the state represents leading to the loosening of links between law and morality.[129] Cotterrell's interpretation is present in the relationship between modern law and the state. Although modern law refutes this relationship as it insists on the separation of law and the state, it is the determination of law that forms the same state and the rules that govern its operation.

Feminist legal scholar, Catharine A MacKinnon, in the examination of politics, sexuality, and the law from the perspective of women disputes the neutrality of law as a myth.[130] In addition, MacKinnon writes that in actuality the law bolsters the 'disadvantages and effective political oppression of women.'[131] In support of that view, Stacy notes that postmodern jurisprudence emphasises the existence of an unavoidable relationship of the law between political and moral values.[132] The relationship between law and political authority represents a characteristic of modern law. African women have to pursue politics to possess enough power to influence the law towards addressing their challenges. The Ministry of Gender in Zambia, in its 2018 report states that 9% women representation in local government at 18% representation in parliament.[133] UN Women reports that Nigeria as of 2019 before the political elections has 5.5% women representation in the House of Representatives and 5.8% in the Senate, while five of the 73 presidential candidates were women.[134] *Patchwork* seemingly captures the same image as the novel depicts the presidential race between two economically dominant males. One candidate, JS, Pumpkin's father has an abusive record towards women but promises to represent them.[135] Gloria, one of his ex-girlfriends points to JS as being 'incapable of making emotional sacrifices or taking responsibility for the pain he

[127] HM Stacey *Postmodernism and law* (2001) 5.
[128] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 7.
[129] R Cotterrell *The sociology of law: An introduction* (1992) 45.
[130] CA MacKinnon *Toward a feminist theory of state* (1989) 168, 201, 238
[131] CA MacKinnon *Toward a feminist theory of state* (1989) 168, 201, 238.
[132] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 44.
[133] Republic of Zambia, Ministry of Gender Report 'Gender statistics on women's representation in local government: the case of Zambia April 2018'
[134] 'It's election season in Nigeria, but where are the women?' https://www.unwomen.org/en/news/stories/2019/2/feature-women-in-politics-in-nigeria (Accessed 05 September 2019).
[135] See Appendix A under *Patchwork* Summary for more information of the presidential race.

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inflicts on others'.[136] JS, the man that Gloria as a psychologist, finds incapable of emotions promises to represent the needs and challenges of women in politics maybe unfortunate. This abandons African women at the mercy of a vicious system that lacks ethical considerations in addressing their grave challenges.

Making the loss of morality even more complicated is the existence of diverse opinions over what constitutes law. Modernity changes the general idea of the law, which makes it difficult to mark the margins of spaces that law regulates. Legal scholar, Gunnar F Schuppert, in his exploration of the narrowing of the 'concept' of law in German jurisprudence, admits that it is difficult to define what is the law and even more reliably what is and what is not law.[137] In addition, Schuppert advocates for other ways to navigate the plural offerings of law.[138] Law is more than state law. Law has various identifiable functions that offer different views on it.[139] Therefore, the burden falls on general jurisprudence to offer suggestions about the truth of law.[140] The question becomes how general jurisprudence exposes this truth about law.

In acknowledging and addressing, that critical question may reveal the possible alternatives to challenges that adversely affect African women. To expose the significance of jurisprudence, Douzinas and Geary illustrate that jurisprudence can investigate deeper into the background of various scenarios and determine what influences certain actions, stances, and convictions.[141] In addition, Peter Goodrich, a forerunner of the sphere of law and love explains that the study of minor jurisprudences serves to interrogate the remains of law (discarded minor jurisprudence such as the court of love), of inventions, and 'fictive laws, of itineracy and fiction also of contingent and local practices'.[142] What Douzinas, Geary and Goodrich imply is that as much as the law claims to be self-grounding; there remains a seriousness to comprehend the anatomy of law. The process that interrogates the law cannot use the usual methodology but demands unconventional instruments that may yield different results. Outside the usual legal avenues, literature may provide an unconventional way to interrogate law. I aver that to comprehend the loss of cognitivism and morality in law, inquiry may need to broaden beyond just law and its application. In fact, from a postmodernist

[136] E Banda-Aaku *Patchwork* (2011) 172.
[137] GF Schuppert *The world of rules* (2017) 263.
[138] GF Schuppert *The world of rules* (2017) 263.
[139] See BZ Tamanaha 'A non-essentialist version of legal pluralism' (2000)27 2 *Journal of Law and Society* 296 & L Pospisil *Anthropology of Law: A Comparative Theory* (1971)
[140] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 5.
[141] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 8.
[142] P Goodrich *Law in the courts of love: Literature and other minor jurisprudences* (1996) 3.

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belief, one single legal theory cannot thoroughly comprehend the working of the law.[143] Relying on a single legal theory may result in the making laws that fail to respond to the conditions of African women. It is crucial to denounce the postulations patriarchal society make about African women in the postcolonial society.

African women's knowledge must originate, identify, and represent them. In other words, African women must be in charge of creating their knowledge, their identity and that knowledge represents them. Tamale in her examination of African sexualities against a racist colonial background emphasises the need to explore new frontiers of knowledge production.[144] The current knowledge about African women that the legal space features seem inadequate. Therefore, the loss of cognitivism and morality coupled with the non-existence of vast knowledge about African women within a patriarchal, colonial legal system leaves African women vulnerable to injustice.

In a move to maintain the law as free from cognitivism and morality, it was important to ensure that those who work in the field of law keep the status quo. Galanter interrogating the modernisation of law, indicates law professionals as trained to grasp the routine of the modern law system.[145] This means that the whole system of law is constructed in a way that considers cognitivism and morality as unnecessary to its operations. As much as African women may demand justice, the system to afford that justice is exclusionary, it does not respond to commands that apply cognitivism and morality in its approach. Law as a set of rules curbs its application through officials and judiciaries.[146] These set of rules with an attachment to modernity ensure that law officials cannot stray into cognitivism and morality in their interpretation of the law.

For example, in South Africa, *Omotoso and Others v S* (CC 15/2018) exposes the intricacies that law exhibits in the access to justice for African women.[147] In this case, Judge Mandela Makaula received criticism from both legal and non-legal individuals for cautioning the

[143] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 44.
[144] S Tamale 'Researching and theorizing sexualities in Africa' in S Correa and others (eds) *Sexuality and politics: Regional dialogues from the global south* (2011) 16 at 25.
[145] M Galanter 'The modernization of Law' in M Weiner *Modernization* (1966) 153 at 155.
[146] C Douzinas & A Geary Critical jurisprudence: The political philosophy of justice (2005) 7.
[147] In short, this case is about Timothy Omotoso who is accused of human trafficking and rape of young women in his church in South Africa. His televised live trial attracted much attention especially in a country that is battling sexual and gender based violence. See http://www.saflii.org/za/cases/ZAECPEHC/2018/81.html Omotoso and Others v S (CC 15/2018) [2018] ZAECPEHC 81 (30 October 2018).

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Defence attorney Advocate Peter Daubemann against unreasonably protractedly asking intimate disturbing questions to the plaintiff, Ms Cheryl Zondi, who was allegedly a victim of rape at the hands of Pastor Timothy Omotoso.[148] The defendant lawyer was only doing what he is supposed to do professionally, but the judge noted that the questions were almost re-traumatising the young woman who had to relive the rape experience. The Defence attorney advanced the argument that those questions were part of the cross-examination process. Later, Judge Makaula recused himself because of accusations of emotional attachment to the case.[149] Another reason was that he had vested financial interests in the guesthouse that provided accommodation to the state witnesses.[150] What the Omotoso case makes clear is that the law in its pursuit of professionalism is comfortable to re-traumatise Ms Zondi if that is how the defendant will gain justice. The question of the morality of the defendant behaviour was irrelevant to the delivery of justice.

The former Minister of Social Development in South Africa, Ms Bathabile Dlamini, observed that the Omotoso trial exposed the questions of patriarchy and law. Ms Dlamini drew attention to the need to revisit the theory and practice of law in modern South Africa.[151] Particularly, Ms Dlamini was referring to the court conduct of the Defence Attorney, Advocate Peter Daubemann that disregarded the past aggression of justice systems against women.[152] In short, Ms Dlamini called for a re-look at how legal modernity affects the carriage of justice for women in South Africa. Ms Dlamini observed the practice of law failed to take into consideration the history of colonialism and apartheid that had previously miscarried justice for (African) women. Ms Dlamini elicited awareness of the link between patriarchy and the law in South Africa especially with cases involving women and

[148] D Friedman ''Vicious' Daubermann reviled for defence tactics in the Omotoso case' https://citizen.co.za/uncategorized/2023381/vicious-daubermann-reviled-for-defence-tactics-in-omotoso-case/ (Accessed 30 July 2020).
[149] D Friedman ''Vicious' Daubermann reviled for defence tactics in the Omotoso case' https://citizen.co.za/uncategorized/2023381/vicious-daubermann-reviled-for-defence-tactics-in-omotoso-case/ (Accessed 30 July 2020).
[150] G Ritchie & M Kekana 'Judge in Omotoso case recuses himself' https://mg.co.za/article/2019-02-07-judge-in-omotoso-case-recuses himself/#:~:text=Judge%20Mandela%20Makaula%20recused%20himself,televangelist%20Timothy%20Omotoso%20on%20Wednesday. (Accessed 30 July 2020).
[151] B Dlamini 'The Omotoso Trial Lays Bare Questions of Patriarchy and the Law' http://www.women.gov.za/images/MoW-TheOmotosoTrial-Article-Draft2.pdf (Accessed 30 July 2020).
[152] B Dlamini 'The Omotoso Trial Lays Bare Questions of Patriarchy and the Law' http://www.women.gov.za/images/MoW-TheOmotosoTrial-Article-Draft2.pdf (Accessed 30 July 2020).

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violence.[153] The repeated harassment from the Defence attorney during cross-examination of Ms Zondi under the guise of professionalism seems insensitive and unnecessary as the numerous cautions from the Judge to the Defence Attorney indicate. It is difficult for women to speak about sexual violence as the Omotoso trial proves that even within the justice system; hard-line lawyering may be a deterrent towards access to justice for African women. Likewise, Douzinas and Geary note that doctrine and dogma replace humanistic immersion in the legal text.[154] In other words, the lack of strong interest in human welfare, values and dignity is detrimental to affording justice to African women. Viewing law as a science means that the law is evident and impartial, humanistic immersion forces law to be subjective, this goes against reason. The idea of the law as a science, denying morality leaves it distant from the challenges confronting African women.

2.3.4 Modern law as political

The fourth and final feature of modern law is that it is political.[155] There is an uncanny relationship between politics and law. Its study is called public law.[156] The existence of this branch of law is an early indication of the possible relationship between law and politics. Law is an essential tool of government action, an instrument with which government tries to influence society. In addition, through the action of the law we observe the structure and control of the government.[157] It is not strange, then, that law is a determining factor in the political struggle as it shapes the direction of politics. Law can be antagonistic or complimentary. This means that the law is a tool that can aggressive or courteous. From a sociological perspective, it is the law that provides functional differentiation.[158] This implies that the law can create otherness in society. In addition, the law establishes a link that connects the functional sphere, the social system, and the rest of society.[159] In other terms, the law takes a regulatory role that determines the organisation of a society. The law and society perception shows social and historical practise that construct law. This is important as it links

[153] B Dlamini 'The Omotoso Trial Lays Bare Questions of Patriarchy and the Law' http://www.women.gov.za/images/MoW-TheOmotosoTrial-Article-Draft2.pdf (Accessed 30 July 2020).
[154] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.
[155] M Galanter 'The modernisation of law' in M Werner (ed) in M Weiner (ed) *Modernization* (1966) 153 at 155.
[156] L Mather 'law and society' in R Goodin (ed) *The Oxford handbook of political science* (2009) 249.
[157] M Stone and others 'Law, politics & the political' in M Stone and others *New critical legal thinking: Law and the political* (2012) 1 at 2.
[158] PF Kjaer 'The law of political economy: An introduction' in PF Kjaer (ed) *The law of political economy: Transformation in the function of law* (2020) 1 at 12.
[159] PF Kjaer 'The law of political economy: An introduction' in PF Kjaer (ed) *The law of political economy: Transformation in the function of law* (2020) 1 at 12.

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the development of the law with society and history. For example, African colonial laws developed in response to the need to control and monitor the colonised, while post-independence laws are in reaction to a colonial past that society addresses via the postcolonial laws. Furthermore, the law and society opinion establishes how the law reproduces and influences culture. Similarly, the law and society perception reflects how inequalities thrive through differential access to, and proficiency with, legal procedures and institutions. Law is also a site of social contest and political conflict. [160] The notion of functional differentiation is critical to the understanding of what justice means to African women. Functional differentiation signifies a modern society. All functions within a modern society belong to a certain site. For example, defining truth as a science or legality as the preserve of the legal system limits those systems within their environment. There are two considerations to explain why the law is political.

Firstly, Hans Kelsen, an Austrian jurist, legal and political philosopher, in his identity thesis explains that the study of the state is the study of law.[161] Law creates the state. The state is a repository of political power. The state is a vessel that holds the power that creates and makes decisions and policies that ultimately shape society. The state an both a repository of political power and seemingly have tendencies that oppress and subjugate African women. In the area of politics, African women represent a tiny percentage. According to the 2019 edition of the biennial Inter-Parliamentary Union (IPU) Map of Women in Politics, sub-Saharan Africa has an average of 23.7% women in parliament.[162] In addition, IPU lists the top African countries with a high percentage of women in ministerial positions as Rwanda (51.9%), South Africa (48.6%), Ethiopia (47.6%), Seychelles (45.5%), Uganda (36.7%) and Mali (34.4%). Furthermore, the lowest percentage in Africa was in Morocco (5.6%), which has only one female minister in a cabinet of 18. Other countries with fewer than 10% women ministers include Nigeria (8%), Mauritius (8.7%) and Sudan (9.5%).[163] In short, these figures prove that political power resides in the upper echelons of fortunate males. The irony is that the

[160] M Stone and others 'Law, politics & the political' in M Stone and others *New critical legal thinking: law and the political* (2012) 1 at 2.
[161] H Kelsen *Pure theory of law* trans M Knight (2005) 286.
[162] Z Musau 'African Women in politics: Miles to go before parity is achieved' https://www.un.org/africarenewal/magazine/april-2019-july-2019/african-women-politics-miles-go-parity-achieved (Accessed 03 October 2020).
[163] Z Musau 'African Women in politics: Miles to go before parity is achieved' https://www.un.org/africarenewal/magazine/april-2019-july-2019/african-women-politics-miles-go-parity-achieved (Accessed 03 October 2020).

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same law that creates the state and ultimately politics is the same law that promises to address challenges that confront African women. African women exist in a space where law and politics hold the promise of justice but with little delivery.

Secondly, how does the individual relate to politics and legal order? In other words, who should obey the political authorities and the state laws? Modernity gives the idea of a liberal individual. Similarly, the modern law creates a free subject [164] Enlightenment gave the individual the opportunity to self-realise and prove them civil outside the oppressive monarchical authority. Enlightenment paved the way for the political emancipation of an individual. The rise of the middle class during the Enlightenment period created conducive conditions for a liberal political society.[165] Philosophers such as Jean-Jacques Rousseau and Denis Diderot's ideas on the 'social contract' and limitless freedom shaped public debates about what was eligible as the best forms of government.[166] At the end of the eighteenth century, most of Europe embraced groups appealing for political transformation that rose from radical enlightened ideals advocating for the end of tyranny, monarchy and absolutism.[167] In short, Enlightenment as an era and a process advance the individual to speak on political governance. Enlightenment attached the individual to law and politics. Individuals chose loyalty to political movements that appealed to them. At the same time, individuals still needed to be loyal to the law. Enlightenment made law the centre of all relationships. Law was the solution to conflicting principles, the flawless personification of human rationale.[168] The relationship between the people and the government had and still has law at its core. Other relationships such as marriage and business transactions rely on the law for authenticity. Overall, modernity creates an individual who shows allegiance to both law and political authority.

As a result, the individual having to show allegiance to law and political authorities creates tension between the will of the liberated individual and that of the law and politics. This is the tension between regulation and emancipation. Despite human dependence on law, Douzinas and Geary, in their discussion of how literature and poetry unveil law, explain that an

[164] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 358.
[165] TW Merrill *Hume and the Politics of Enlightenment* (2015) 169.
[166] J Hill *An analysis of Jean-Jacques Rousseau's the social contract* (2017) 68.
[167] M White 'The Enlightenment' https://www.bl.uk/restoration-18th-century-literature/articles/the-enlightenment (Accessed 6 October 2020).
[168] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 7.

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individual knows nothing about the empty law but reveres it because it is the law.[169] The question is how does the individual enjoy the liberty that modernity brings and still respond to the regulation that law and politics present?

From a sociological perspective, an individual as a member of society must obey the law and political authorities for the sake of order. However, if the political authorities and the law are tyrants is the modern individual under obligation to obey? One of the promises of the modern world is that the individual is free to seek success. Tension exists between the pursuit of personal goals, the law and political authorities that consciously dictate success. Specifically for African women, while they may want to flourish, law and political authorities hinder that success. Political authorities can drive the national agenda that influences policy and laws that govern people. Since modern law is positive, political authorities can enact laws that satisfy their conditions. African women who exist in the margins remain too far from politics, especially at the influential national levels.

The following section attends to the features of modern human rights. The previous section examined the features of modern law. What is common to both sections is the influence of modernity.

2.4 FEATURES OF HUMAN RIGHTS

In this section, I turn to the features of human rights in the modern era. Human rights as a concept redefine the quest for justice as they give assurances of equality for all humankind. Despite these assurances, numerous forms of injustice, inequality and customary barriers against African women mark modern society. Human rights as a grand and celebratory narrative emerge as essential to 'modern belief in humanity and moral individualism.'[170] Put differently, human rights represent the attempt of the world to be humane and advance human good. Not everyone merely agrees with that concept of human rights. Foucault regards human rights as a 'false consciousness'.[171] This implies human rights mislead and ignore the inequalities, injustice, oppression and violence that terrorise the world. Foucault takes a critical psychological approach to challenge the legitimacy of human rights in the modern era. In attaching human rights to consciousness, Foucault draws attention to the underside of

[169] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 358.
[170] G Verschraegen 'Human Rights and Modern Society: A Sociological Analysis theory from the Perspective of Systems Theory' (2002) 29 2 *Journal of Law and Society* 263.
[171] P de Vos 'Refusing Human Rights? A Foucauldian Account' in K v Marle (ed) *Refusal, transition and post-apartheid law* (2009) 121 at 129.

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human rights and issues correlating to legitimacy and justice for African women. In short, human rights are a psychologised ideology that controls and determines the narrative on justice specifically what justice is for African women. Foucault understood human rights as a façade that covers the violence that births it. De Vos, writing from a post-apartheid South Africa jurisprudential perspective, disputes the Foucault view of human rights as false consciousness.[172] In addition, he regards that as a destructive reading to rely only on a pre-human rights era.[173] In short, De Vos draws his interpretation from Foucault as an error of reading the law in modernity, which Golder and Fitzpatrick explain.[174] However, even if Foucault may have relied on the pre-human rights era for his false consciousness statement, it remains that modern human rights are attached to Enlightenment, which begets violent human systems such as colonialism and capitalism.[175]. Anne Grear, in her response to the question of fracking and its dangers, considers human rights an 'ideological cover for the political and economic imperialism of Western or Global North capitalist state powers'.[176] The gap inequality continues to grow, challenges that confront African women persist, and threats of wars persist to mentions a few.

Psychologised ideology makes up much of the human rights posturing. This implies that human rights are an ideology that demands a belief in that system. The moment people have faith in the human rights system, the more the system gains the celebratory and grand position it enjoys. Douzinas in his interrogation of the paradoxes of human rights indicates human rights as paradoxical.[177] To clarify, human rights belong to all people, everywhere but equally only certain people in certain places can enjoy these rights. This interpretation is particularly critical to understanding the precarious relationship between human rights and African women. The position that African women occupy points out their colonial history, gender, race, and sexuality demand a particular response from human rights. As I state earlier, Rajan and Park, postcolonial feminists focus on representation and location because these expose challenges that are peculiar to African women under their class, gender, race,

[172] P de Vos 'Refusing Human Rights? A Foucauldian Account' in K v Marle (ed) *Refusal, transition and post-apartheid law* (2009) 121 at 129
[173] P de Vos 'Refusing Human Rights? A Foucauldian Account' in K v Marle (ed) *Refusal, transition and post-apartheid law* (2009) 121 at 129.
[174] M Foucault in B Golder & P Fitzpatrick *Foucault's law* (2009) 7.
[175] C Douzinas 'Human rights and postmodern utopia' (2000) 11 *Law and Critique* 219 at 220.
[176] A Grear 'Which human rights?' https://www.humansandnature.org/which-human-rights (Accessed 28 January 2021).
[177] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 8.

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sexuality and nationality.[178] Postcolonial feminists view class, gender, race, sexuality and nationality as legacies of colonialism that continue to decide the position of African women. Not all women share the same challenges as the postcolonial women, therefore; African women challenges cannot merely conform to the universal human rights mould that applies elsewhere. Before discussing the features of human rights, I briefly explore the association between modernity and human rights. This idea sets a firm ground for comprehending the features of modern human rights.

Making sense of modernity and human rights

To begin with, the debate on the relationship that modernity has with human rights is fraught with juxtapositions. From the onset, Douzinas considers human rights paradoxical.[179] Douzinas implies that human rights are the hope of a just world but they also are the image of a violent world. In addition, Grear asserts that human rights are not what they seem to be on the surface.[180] This statement raises the ire especially of those who advocate for human rights as the basis to solve problems of the world. Human rights advocates refute the idea of human rights as paradoxical.

One of the tensions of trouble the human rights concept is its link to Enlightenment modernity. While this seems like a harmless statement, it does convey implications that Douzinas and other scholars believe make human rights an illusion. Douzinas in the examination of human rights and the postmodern utopia declares human rights as the 'fate of post modernity, the energy of our societies, the fulfilment of the Enlightenment promise of emancipation and self-realisation.'[181] This declaration gives a triumphant euphoria that the world is finally of age. The energy of our societies gives the impression that human rights become the new system that drives the society and this supposition happens to be true. Human rights as the fulfilment of the Enlightenment promise of emancipation and self-realisation paints a picture of the new modern world that has moved from the injustice that the Church and the Monarchy had imposed on people to a world where people determined their paths and destiny. This was the triumph of reason that the Enlightenment period had

[178] RS Rajan and Y Park 'Postcolonial feminism or postcolonialism and feminism' in H Schwarz and S Ray (eds) *A companion to postcolonial studies* (2005) 53 at 54.
[179] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 8.
[180] A Grear 'Which human rights?' https://www.humansandnature.org/which-human-rights (Accessed 28 January 2021).
[181] C Douzinas 'Human rights and postmodern utopia' (2000) 11 *Law and Critique* 219 at 219.

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promoted as necessary for the maturity and success of the modern world. The end of world wars, slavery, apartheid, colonialism pointed to a world that was modernising slowly leaving behind all the savagery and ancient behaviour. However, is this representation of human rights in the modern world complete?

Douzinas, in another work with Adam Geary, shatters the image that modern human rights present as missing a larger part of the world. This means that modern human rights largely ignore other worlds. Douzinas and Geary while interrogating the nexus of jurisprudence and modernity, state that modern legal theory suffers from cognitive and moral poverty.[182] This infers that the promise of Enlightenment while championing emancipation through reason equally imprisoned cognitivism and morality. What have we traded off as a people in exchange for the Enlightenment promise? In the loss of cognitivism and morality, there is a sense of loss of what makes humans human. Although human rights systems attempt to champion the idea of human rights as rights of humans by being human, that message does not easily translate to that for the postcolonial African women. As Douzinas declares in human rights and postmodern utopia, the gap between the success of human rights and their failure in practice is the finest demonstration of postmodern cynicism.[183] As brutal as this declaration sounds about modern human rights, the pursuit of the promise that never fully delivers, the self-realisation that never materialises is unfortunate. What is even more brutal are those in margins hoping that one day the promise will come to be, that self-realisation will be at reach but alas, modernity widens the gap further.

It comes as no surprise that human rights represent a product of modernity. People were capable to claim rights after the end of the absolute monarchical rule as earlier stated.[184] The relentless pursuit for diverse knowledge ignited the need of people to assert their self-determination and ultimately, the culmination of the human rights narrative. Modernity bestows human rights the confidence to remain a grand narrative trusted enough to deliver justice.[185] Arguably, the concept of the human rights ideology has metamorphosed through the years prompting scholarly discussions about the applicability and validity of human rights in affording justice, especially to African women. Pierre de Vos in 'Refusing Human Rights?

[182] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.
[183] C Douzinas 'Human rights and postmodern utopia' (2000) 11 *Law and Critique* 219 at 221.
[184] JM Beach *What is enlightenment? A history & sociology of knowledge* (2013) 74.
[185] JA Lindgren Alves 'The Declaration of Human Rights in Postmodernity' (2000) 22 *Human Rights* Quarterly 478 at 478.

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A Foucauldian Account' warns that human rights can either be a tool of oppression or freedom depending on how one interprets the law.[186] In addition, de Vos cautions against innocent use of law and human rights and suggests that at times there will remain a critical need to refuse human rights.[187] In the referred article, De Vos is writing from a post-apartheid South Africa jurisprudential perspective but he also recognises the view Foucault had of power as disciplinary. Foucault would have observed human rights as fortifying power structures instead of challenging them. Furthermore, Makau Mutua from a postcolonial approach reveals that the human rights field has received more praise rather than a critical analysis in international law research.[188] The opinion Mutua expresses points to the perpetuation of human rights as a 'good and flawless' social order system that all societies should adopt. This inversely creates a dominant ideology of human rights since very little exists that points to faults in the system. Scholars such as Mutua have made inroads in providing other approaches to understand the human rights system. Some of the reluctance to critic may come from the need to protect the human rights field as a grand narrative as much as possible.

Ben Golder in his analysis of problems of evaluating human rights explains how in the modern world the language of human rights dominates and frames the politics of demanding rights.[189] In addition, Golder in the dominance of the human rights talk, examines what other languages and other avenues for the pursuit of social justice or resistance to the ravages of global capitalism become silent and displaced.[190] Golder echoes the same views as Mutua not only about the dominance of human rights in the modern era but also about the likelihood of suppression of other voices that exist outside the human rights discourse. However, I am not proposing refusing human rights, but I am evoking an exigency of re-assessing how human rights influence African women's experience of justice. I am advocating for the consideration of minor jurisprudence to find justice for African women.[191] When human rights deny the existence and validity of other jurisprudence, it risks ostracizing the

[186] P de Vos 'Refusing Human Rights? A Foucauldian Account' in K v Marle (ed) *Refusal, transition and post-apartheid law* (2009) 121 at 122.
[187] P de Vos 'Refusing Human Rights? A Foucauldian Account' in K v Marle (ed) *Refusal, transition and post-apartheid law* (2009) 121 at 122.
[188] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 167.
[189] B Golder 'Beyond redemption? Problematising the critique of human rights in contemporary international legal thought' 2014 2 1 *London Review of International Law* 77 at 78.
[190] B Golder 'Beyond redemption? Problematising the critique of human rights in contemporary international legal thought' 2014 2 1 *London Review of International Law* 77 at 78.
[191] P Goodrich *Law in the courts of love: Literature and other minor jurisprudences* (1996) 3.

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marginalised. I agree with de Vos' thoughts of the instability of the human rights concept that is a tool of freedom or oppression. This changeability is especially of concern against modernity's open-ended nature. Therefore, I contend human rights have not escaped modernity as I demonstrate in the following examination of modern features of human rights. Ultimately, modernity can control how human rights address challenges confronting African women.

2.4.1 The universality of human rights

In the first place, the perception that human rights are universal is contentious. If human rights are universal, that implies that they are recognisable as claims that human beings by being human can make worldwide. The erroneous assumption is that all persons are born with these rights by being human. If there were truth in that assumption about human rights, then African women would not confront injustice daily. Questions arise about what universal human rights is since different parts of the world foster a unique appreciation of justice. Philosophically, in a multicultural, multipolar and plural world, how does one establish human rights as universal?[192] Jack Donnelly in his study of human rights in the new world order contests the idea of universality against the alternative ways various parts of the world perceive the system of human rights.[193] Donnelly gives an example of the third world that besides economic, social and cultural rights covets for self-determination and development rights.[194] Donnelly writes from cultural relativism and a new order perspective, which means that the notion of the universality of human rights silences other social orders that exist in other parts of the world. UN High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein while delivering the Anna Lindh lecture in 2017 vehemently disagreed with the idea that human rights are not universal. Mr Al Hussein quickly dismissed as old the cultural relativism argument that Jack Donnelly advanced and stated that doubting the universality of human rights allowed states to contravene human rights.[195] In addition, while Mr Hussein acknowledges the past that is associated with human rights and their source being European, he notes that cannot be entirely a reason to discredit the human rights system that has 193

[192] L Sundaramoorthy 'Is the idea of human rights a universal concept?' (2016) 2 *Merici* 23 at 24.
[193] J Donnelly 'Human rights in the new world order' (1992) 9 2 *World Policy Journal* 249 at 251.
[194] J Donnelly 'Human rights in the new world order' (1992) 9 2 *World Policy Journal* 249 at 251.
[195] '"Do Not Dare To Tell Me Human Rights Are Not Universal"' https://rwi.lu.se/2017/11/not-dare-tell-human-rights-not-universal/ (Accessed 21 August 2020).

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member states.[196] Furthermore, Mr Hussein warns that the human rights system is vulnerable to nationalism and extremism, which may act as covers to hide human rights violations occurring in other parts of the world. Mr Hussein concluded his arguments for the universality of human rights by giving examples of places in human rights distress such as the Rohingya, the people of Syria, Yemen, South Sudan, and the Central African Republic who need justice for their violations.[197] Mr Hussein is advocating for a human rights-based approach in solving the injustices and inequalities rampant today. However, he seemingly denies that the human rights approach may be inapplicable universally. In addition, he seemingly undermines other justice systems that are inherent in all societies. The debate on the universality of human rights points to the modernist cliché that tends to homogenise and turn the world into a village. Human rights like modernity, as a universal system engulfs other narratives that equally have an opportunity to restore human dignity and offer justice. In essence, the claim human rights are universal is arguable as different parts of the world; different people require different demands from the human rights system. Equally, there is no explicit universal agreement of what justice is and means to everyone, therefore, making it difficult to accept that human rights are universal.

Purple Hibiscus debunks the human rights system. For example, Eugene receives a human rights award despite being a tyrant who demonstrates no respect for human rights in his home. Kambili narrates that her cruel father never tells them good things like receiving a human rights award.[198] Brutal but true, the novel mocks the aptness of the award and questions the universality of human rights as a just system. In his world, Eugene regards himself as a just man, which explains the human rights award. To his immediate family, the concept of justice radically differs from his.

Modern human rights as a universal system close off other possible interpretations of what justice represents in the context of African women. This reflects the restricted jurisprudence familiar to legal modernity. Ian Ward, writing from a postmodernist deconstruction, view emphasises that specific circumstances fulfil justice not 'not in universal absolutes'.[199] Drawing from philosopher and sociologist Jürgen Habermas, Stacy explains that moral

[196] '"Do Not Dare To Tell Me Human Rights Are Not Universal"' https://rwi.lu.se/2017/11/not-dare-tell-human-rights-not-universal/ (Accessed 21 August 2020).
[197] '"Do Not Dare To Tell Me Human Rights Are Not Universal"' https://rwi.lu.se/2017/11/not-dare-tell-human-rights-not-universal/ (Accessed 21 August 2020).
[198] CN Adichie *Purple Hibiscus* (2010) 5.
[199] I Ward *Introduction to critical legal theory* (2004) 168.

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judgements have to take into consideration, not only the rules and the norms but also the moral sense of the individual.[200] In other words, both Ward and Stacy underscore the grave importance of discovering the concerned individual and the peculiar circumstances surrounding that concerned individual. The universality of human rights claims inexplicably fails to accommodate African women in its justice system. African women challenges are not general, and they differ from one African woman to another.

Both *Purple Hibiscus* and *Patchwork* comprise narratives that narrate the challenges of African women. Although these challenges are not the same, they share the same roots such as patriarchy and the legacy of colonialism. African women challenges differ radically from for example Asian and European women. Mutua asserts human rights as presenting false truth especially on delivering justice for African women.[201] Mutua bases his view on the fact that human rights are far from a clean innocent endeavour that scholars such as Jack Donnelly note them as above politics. Mutua notes that human rights are experimental, present as convenient and functional as if they are the final truth.[202] The language that human rights use appears admirable and divine barring any thoughts of questioning its ideals.[203] In attempting to apply human rights to challenges, affecting African women it becomes clear that the ideals of human rights are more than a matter of application. Those ideals become false truths. Put simply, human rights as a universal narrative, some parts of society accept as true because the majority of the society believed them. Therefore, the universality of human rights claim possesses little critical significance to African women bearing in mind the colonial and patriarchal legacy controls their confined lives. Part of that legacy includes the silence of African women, residing in the margins of society, invisible to grand narratives of justice.

2.4.2 Human rights as ethical

Secondly, according to Douzinas one of the attributes of human rights represents the belief in their ethical assertion.[204] This means human rights are free of political influence or any other outside force besides itself, hence holding a significant moral ground. I examine three questions in this second feature in an attempt to understand why human rights as ethical are a

[200] HM Stacy *Postmodernism and law: Jurisprudence in a fragmenting world* (2001) 133.
[201] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 172.
[202] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 172.
[203] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 172.
[204] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitanism* (2007) 11.

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feature of legal modernity. Firstly, are human rights ethical and why? Secondly, why is being ethical a sign of human rights attachment to modernity? Third and last, how do human rights as ethical affect the access to justice for African women?

Human rights and ethics

To begin with, Douzinas identifies the attachment of ethics to human rights as a feature of modern human rights.[205] What is critical is if human rights are ethical. Pairing human rights to ethics give the security of the human rights system as morally upright and unquestionably true. Truth is important to the modern human rights narrative because humanity has long since Enlightenment been in search of truth. This is the truth that liberates and allows them to assert themselves. Enlightenment did open a surge of other discourses that could likely challenge the authenticity of human rights. Attaching a high moral ground to human rights will not only allow them to flourish in a period that is ever changing and uncertain but it will also make them into a grand narrative that acts as a moral benchmark. Today, human rights are on a justice pedestal such that narratives that attempt to challenge that position, human rights either silence them or push them to the margins of the human dignity space.

French philosopher, Rene Descartes, considered ethics the highest and perfect science while Immanuel Kant considered morality higher than any other science.[206] Some scholarly circles credit Descartes as the father of modern philosophy because he believes in mathematics and natural science.[207] Therefore, Descartes's declaration of ethics as a science is very much a modern interpretation of ethics. Some scholars choose to differentiate morality from ethics.[208] The difference between ethics and morality does not reduce my argument of ethical human rights as a feature of legal modernity and its influence on African women access to justice.[209] A human rights violation can both be a moral or an ethical issue.[210] However, I adopt French philosopher Jacqueline Russ definition of ethics. Russ explains that ethics is the

[205] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitanism* (2007) 177.
[206] AR Monteiro *Ethics of human rights* (2014) 22.
[207] E Imafidon *The ethics of subjectivity: Perspectives since the dawn of modernity* (2015) 1.
[208] S Tripathi & W Amann *Corporate yoga: A primer for sustainable and humanistic leadership* (2018) 70.
[209] At this point, the arguments for or against separating ethics and morality are irrelevant to this discussion because what is at stake is if the absence of the two determine how human rights address challenges confronting African women.
[210] MA Rahim *Managing conflict in organisations* (2011) 158.

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theory of morality that reflects the 'why' of moral values on the belief of good and evil.[211] This means ethics are the foundations, the beyond of morals. It follows that extricating that foundation of ethics leads to understanding the attachment of human rights to ethics. In addition, it helps to understand and identify what forces threaten these foundations. The ethics of human rights is ethics of recognition of human worth, dignity, and rights.[212] This view embeds the ethics within human rights fortifying the idea of human rights as ethical.

However, as much as there is widespread support for this ethical assumption about human rights especially from the human rights affiliated organisations, there are equally strong observations about the moral ground that human rights presumably have. Ward writing from a postmodernist deconstruction view expounds that deconstruction challenges the abstract universalistic idea of 'ethics, morality and justice'.[213] Simply put, while ethics are just ethics, their universalistic tendency poses a threat to the overall notion of the roots of justice existing in ethics. Even more worrying is the abstract nature of this universalistic thought of ethics, morality and justice. The abstract nature distances ethics, morality, and justice from the reality or experiences of African women. The uncertainty that lies in the future of ethics presents even more challenges about how society understands justice. This concern is especially critical if compared to the power of modernity.

Ethical human rights and modernity

One of the default positions of western modernity is its tendency to homogenise whatever it encounters. Ethics are vulnerable against the power of modernity. Since ethics is the theory of morality that reflects the 'why' of moral values on the belief of good and evil, they are vulnerable to change. What is good and evil can vary but also can have constant aspects. For modernity to flourish, it needs a semblance of order and orderliness.[214] Whatever manner of ethics that exist may have to fall within the realm of the modernity narrative. The pursuit of progress and self-cultivation is what is generally associated with modernity. Ethics are supposed to be the consciousness that determines what and why the right thing to do is in any given circumstance. In other words, ethics imply the freedom of choice that humans enjoy.

[211] B Schéou (2009) 'Ethical thought' in B Schéou *From sustainable tourism to fair tourism: What ethics for the tourism of tomorrow?* (2009) 19.
[212] AR Monteiro *Ethics of human rights* (2014) 12.
[213] I Ward *Introduction to critical legal theory* (2004) 169.
[214] DP Goankar (ed) *Alternative modernities* (2001) 2.

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The same message is synonymous with Enlightenment and the advent of modernity, where a break from traditions was to liberate individuals to make better choices for their lives.

Historically, Greeks and Jews link God and ethics, ultimately the good to justice.[215] In addition, the Judeo-Christian beliefs emphasized the existence and practice of the objectively good and just way of life as God ordered.[216] Enlightenment opened the opportunity for the use of reason instead of heavy reliance on God for ethical guidance. Douzinas and Geary note that modernity ends conforming to tradition, Deity or Sovereign, reason intervenes.[217] Put differently, the enlightenment process most likely had an impact on ethics since the source was no longer God, the monarchy or traditions. As Goankar illustrates the position that the old became the guardian of the traditional, this set the standard and examples of 'human excellence that each new age must seek to emulate under altered conditions without ever stopping to surpass it.'[218] The force of modernity is such that the old subsumes in the new; the new does not emulate but definitely, change what society considers old. The modern thrives to separate itself from the old is probable to hamper its progress. In other terms, what was evil in the olden times could be good and acceptable under the force of modernity.

Since the old does not serve the modern agenda, it follows that in terms of justice that the relationship between the ethical and legal aspects is isolated in modernity. [219] The separation was necessary for the law to assert itself as an authority in society. In the modern era, morality became synonymous with subjection to the law.[220] Thus if people followed the dictates of the law, they were being morally good. Kant believed that obedience to the law produces the free citizen of modernity.[221] However, this notion presents problems in society. Not only are people at the mercy of the law but also people similarly trust themselves free to dictate their lives. Modernity then produces individuals who straddle autonomy and bondage. Such is the position that African women find themselves obeying the dictates of law but still equally in bondage. In addition, modern ethics identifies with rules grounded in reason.[222] The modern theories of justice that belong to the deontological school of ethics ground ethics

[215] C Douzinas & A *Geary Critical jurisprudence: The political philosophy of justice* (2005) 25.
[216] E Imafidon (ed) *The ethics of subjectivity: Perspectives since the dawn of modernity* (2015) 3.
[217] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 50.
[218] DP Goankar (ed) Alternative *modernities* (2001) 6.
[219] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 27.
[220] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 27.
[221] M Foucault 'What is enlightenment' in P Rabinow (ed) *The Foucault reader* (1984) 32 at 39-40.
[222] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 27.

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as core to justice.[223] Proponents of these theories include, Kant, Bentham, Rawls and Habermas whose narrower approach to ethics is formalistic and universalistic.[224] Simply put, in this approach individuals use reason to create their ethical framework. The focus is on creating moral systems that are universal that everyone is willing to accommodate. This very much resonates with the enlightenment narrative that Kant advocated for people to liberate themselves by freeing their minds to think.

There is another approach to ethics, that is broader, that is synonymous with philosophers such as Nietzsche, Sartre, and Foucault. In this approach, the focus of humans is on the self, the other and their environment.[225] To clarify, persons under this approach are vulnerable and open because there is no guarantee of what situations may arise that may need an ethical address. Uncertainty fills this position unlike with the narrower ethical approach where people already have moral systems in place. In modernity, humanity continually struggles between asserting the self-versus that of the group because of the universalistic tendencies that modernity presents.

In my view, modern human rights, fall under the narrow ethics approach because of their occupation with universalistic moral systems. Douzinas notes that in the world becoming a village, systems that control the world such as law, economic practises, and ethics become integrated.[226] Human rights attempt to monitor the world and may very well be the new world order. Although human rights are ethical, their narrow ethical approach tends to be exclusionary to the people in the margins. Initially, human rights were to champion the self as emphasised in the enlightenment process, but modernity and its universalistic imaginations absorb the self.

2.4.3 Human rights as the new world order

Thirdly, every society possesses an unconscious form of stringent order that determines its operations. The source of order, in general, could come from religion, culture, society, law and many other areas that humans have constructed. Why have human rights become the new world order if order already existed? Why do human rights imply that the world needs

[223] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 27.
[224] E Imafidon (ed) *The ethics of subjectivity: Perspectives since the dawn of modernity* (2015) 4.
[225] E Imafidon (ed) *The ethics of subjectivity: Perspectives since the dawn of modernity* (2015) 4.
[226] C Douzinas *Human rights and the empire: The political philosophy of the cosmopolitan* (2007) 193.

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directions from its system? Why has modernity magnified the idea of human rights as possible new world order? With the world a global village, there has to be some form of order to regulate that village. Douzinas points to human rights as having become the 'official ideology of the new world order after 1989'.[227] Furthermore, Douzinas explains that the new world order is 'moral-legal.'[228] Moral-legal gives the impression that this new world order can be virtuous because not only is it good but also trustworthy. I have already debated the idea of morality as feature of modern human rights. The concepts of human rights, democracy and freedom shape politics, economics, armed power and reasons for going to war.[229] In other words, societies have fought wars to claim and assert their rights. To this day, wars continue as an effort to defend different rights. Supposedly, human rights beget this violence. However, in the name of economics, I observe the link that human rights have to capitalism. Capitalism is an output of modernity. To usurp economic power, corporations, governments and individuals have consistently used human rights to manoeuvre the economic corridors. Human rights inadequately represent the good that should be universal for the sake of world peace. The assumption is moral-legal attitudes drive the intergovernmental institutions such as the World Bank, United Nations (UN) and International Monetary Fund (IMF) in their quest to better the lives of the poor or those in the undeveloped world. Contrarily, coupling human rights and money is a very unstable and unreliable combination. The World Bank and IMF are symbols of capitalist modernity whose coupling with a human rights agency creates doubts about its purpose. How do human rights maintain their ethicalness while working in tandem with a symbol of capitalist modernity?

The year after 1989 represents global capitalism's departure from moral centred behaviour marked with social responsibility to an unregulated system.[230] Put differently, institutions like the World Bank and International Monetary Fund became stricter and placed policies and impossible demands that affected the developing world. This substantially grew the inequality gap. Douzinas points to human rights and good governance being the conditions for receiving money aid and trade pacts from the West.[231] However, this is no longer just happening with the West but also with African human rights-based organisations such as the

[227] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 12.
[228] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 148.
[229] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 148.
[230] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 144.
[231] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007)176.

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Africa Union. According to Kennedy Kariseb and Chairman Okoloise in their reflections of the trends, challenges and opportunities of African governance acknowledge that there is a growing association of respect of human rights with good governance.[232] This trend, in my view, reflects the homogenisation of the operations of the human rights systems across continents, a modern era result. Some conditions of the World Bank and International Monetary Fund demanded reduction of the civic service in the developing world that desperately sought financial assistance from them. Reduction of public service inevitably meant that services to the general and poor public, governments ruthlessly cut which lead to further poverty. Most significant African women are vulnerable to such adverse changes keeping in mind the patriarchal and colonial legacy environment that enshrouds their precarious existence. The example of World Bank and the International Monetary Fund permit a glimpse of the impact of presupposing that the world comprises a village because the world is not a village but made up of various people from diverse social, economic, political and geographical strata struggling from decisions executed under that global assumption.

In addition, Makau Mutua in his study of international human rights standards reflects Douzinas' sentiments and vehemently disputes human rights as an innocent moral system. Mutua reveals that intergovernmental organisations such as the UN, The IMF and World Bank solemnly believe in upholding the economic and political roots of the post-World War II mandate.[233] It follows then that human rights being a new world order adheres to the dictates of the West that believes in open market economics and political pluralism.[234] Mutua questions if society should uncritically accept human rights as the exclusive agent of critical change.[235] The question from Mutua reflects the prevalence of restricted jurisprudence in the human rights discourse. If human rights are the sole source of social change, it disqualifies other narratives that can offer possible solutions.

The idea of human rights represents an ideology of the new world order that points to human rights being the power and the authority that regulates the behaviour of a society. However, Sociologist Lea David indicates that from a sociological perspective perceiving human rights

[232] K Kariseb & C Okoloise 'Reflections on African governance architecture: Trends, challenges and opportunities' in M Addaney and others (eds) *Governance, human rights and political transformation in Africa* (2020) 41 at 43.
[233] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 165.
[234] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 165.
[235] M Mutua *Human rights standards: hegemony, law, and politics* (2016) 166.

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as an ideology may alter the assessment of human rights.[236] David clarifies that human rights as an ideology force the question of whether the institutional and the power of human rights produces a passionate belief in a sustainable group for long.[237] In other terms, can the human rights system as an institution and a form of power sustain those features for long? As a system how long can it be sustained as a social order mechanism? However, there is more than one way of looking at ideology besides the Marxist perspective, which Douzinas seems to apply in his reference to human rights as an ideology. Donnelly in the exploration of state sovereignty and international human rights asserts that human rights ideology is a moral structure due to its critical position in the order of international organisation.[238] As a moral structure, it implies that human rights beliefs regulated right and wrong within society. But Donnelly also refers to the international stage that the human rights ideology occupies which possibly gives it the carte blanche unquestionable status as a moral meter. The international stage or rather the global arena is not far from the influence of modernity. As the world becomes smaller technologically, the same changes affect the social orders of that world and determine who gets to police that world. David suggests that identifying human rights as an ideology removes the normative value often associated with them to other views specifically how they are 'localised on the ground.'[239] Human rights as carrying normative value imply a desire for them at both global and local (glocalisation) levels of societal structures as they supposedly ensure peace. In addition, glocalisation from a human rights perspective entails encouraging their confidence in the locals. However, David reveals that identifying human rights as an ideology triggers the system to the more isolated exploration of human rights' organizational power displayed through various discourses, knowledge and institutions that encourage cohesion within the society.[240] Human rights as a force of cohesion mean it has a sizeable amount of power to be able to influence a diverse global society. It also assumes that human rights can influence the behaviour of people towards certain issues in society.

Furthermore, Hannah Arendt in her understanding of the origins of totalitarianism interprets ideology as professing total domination of truth, negating other positions and philosophies challenging that dominant 'truth' such that they represent vehicles of social control,

[236] L David Human 'Rights as an Ideology? Obstacles and Benefits' (2018) 46 1 *Critical Sociology* 37 at 38.
[237] L David Human 'Rights as an Ideology? Obstacles and Benefits' (2018) 46 1 *Critical Sociology* 37 at 38.
[238] J Donnelly 'State sovereignty and international human rights' (2004) 28 (2) *Ethics and International Affairs* 225 at 225–238.
[239] L David Human 'Rights as an Ideology? Obstacles and Benefits' (2018) 46 1 *Critical Sociology* 37 at 38.
[240] L David Human 'Rights as an Ideology? Obstacles and Benefits' (2018) 46 1 *Critical Sociology* 37 at 38.

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guaranteeing acquiescence and subservience.[241] Louis Althusser a Marxist philosopher notes ideology as a depiction of the illusory relationship between individuals and their factual circumstances.[242] Taking into consideration the idea of human rights as a new world order and juxtaposing it against Arendt and Althusser sentiments on human rights, it is admittedly a compelling argument that human rights represent an ideology. Human rights seemingly do force social control over how individuals should behave even though under the auspices of maintaining peace and harmony. Human rights as a master discourse seemingly obliterate other ideas of truth as espoused in other sources of human experience such as novels. Althusser's critical recognition of human rights as ideology possibly explains why it is distant from the harsh reality of African women, therefore, the persistent challenges. Unfortunately, it this same imagined relationship that continues to render the challenges of African women to be continually unresolved necessitating resorting to other fields for answers.

The new world order resonates strongly with the message of empire building and colonial tendencies. Historian Archibald P Thornton validates that repeatedly history shows a co-dependent relationship between an empire and control.[243] Colonial mastery and ideology reflect control that entailed re-routing African minds and undervaluing African philosophies to ensure Africa was ready for illegal occupation and stripping off her raw resources and wealth.[244] Tragically, Lord Fredrick Lugard, a colonial Governor-General of Nigeria erroneously describes the British occupation of Nigeria as a responsibility to share the British system of justice and civilisation in Africa.[245] The irony is that the British idea of justice and civilization proved very different from the idea of justice in Africa. This rather proves that maybe the idea of universal justice does not exist. Justice exists only if it addresses the specific situation for specific people. Education, religion, law, health, gender preferential treatment were modes of forcibly transferring colonial ideology to the oppressed masses.[246] Modernity makes it easier to transfer and accept human rights beliefs through education,

[241] H Arendt *The origins of totalitarianism* (1951) 565, 588.
[242] L Althusser *Ideology and ideological state apparatuses* in B Brewster (Trans.) *Lenin and Philosophy and Other Essays* (1971) 162.
[243] AP Thornton 'Colonialism' (1962)17 4 *International Journal* 335 at 338.
[244] O Oyewumi 'Colonizing bodies and minds: Gender and colonialism' in G Desai & S Nair *Postcolonialisms: An anthology of cultural theory and criticism* (2005) 339 at 339.
[245] F Lugard 'The value of British rule in the tropics to British democracy and the native races' in G Desai & S Nair *Postcolonialisms: An anthology of cultural theory and criticism*(2005) 35 at 44.
[246] O Oyewumi 'Colonizing bodies and minds: Gender and colonialism' in G Desai & S Nair *Postcolonialisms: An anthology of cultural theory and criticism* (2005)339 at 340, 341.

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religion, law and many others. While I cannot deny that gender inequality was present before European occupation, colonial laws and aggressive policies that preferred African men over African women cemented gender inequality and patriarchy as not only a norm but legal and acceptable in African societies.[247] Colonial and monopolistic ideology tends to homogenize, therefore, forcing reconstruction of an exposed people's mindset and innocent reality. David considers human rights as equally monopolistic and tends to force everyone to be the same.[248] American sociologist George Ritzer, whose theory of McDonaldization paints a distressing picture of the process of adapting organisations, institutions, and societies exhibiting consistent characteristics of those found in fast-food restaurants.[249] Ritzer lists the four stereotypical characteristics as 'efficiency, calculability, predictability and standardization, and control.'[250] Human rights demonstrate the same McDonaldization process of adapting society to its system. In essence, human rights as an ideology believe themselves to serve the ultimate source of truth that will redeem the world from the demise caused by war, violence and other social ills. In the pursuit of those ideal human rights seemingly consciously or unconsciously assumes the system is adequate and equally applies to everyone.

While human rights purport to incorporate the rights of the minority groups and weak in the society, Douzinas and Geary assert that the worth of the legal system guards and reflects the dominant ideology of society.[251] This indicates that it is inevitable that the voice of the powerful will dominate any discourse and this principle applies to the legal system tool. While human rights desire to protect the minority and vulnerable in the society, the reality is that within the rights space there is heavy contestation of what issues should take precedence over others. For example the UN in 2019 to 2020 belief in the idea of 'leave no one behind' which is an excellent progressive theme but rather difficult to quantify. The AU had the 'decade of silencing the guns' but that has also not in reality translated to addressing the challenges confronting facing African women especially those in strife-torn parts of Africa. In addition, political philosopher Michael Walzer, writing a from human rights global political economy perspective, states that studies reflect the chief discourse of human rights

[247] O Oyewumi 'Colonizing bodies and minds: Gender and colonialism' in G Desai & S Nair *Postcolonialisms: An anthology of cultural theory and criticism* (2005) 339 at 342, 357.
[248] L David Human 'Rights as an Ideology? Obstacles and Benefits' (2018) 46 1 *Critical Sociology* 37 at 47.
[249] A Crossman 'McDonaldization and why sociologists are not loving it' http://www.thoughtco.com/mcdonaldization-of-society-3026751 (Accessed 06 August 2019).
[250] A Crossman 'McDonaldization and why sociologists are not loving it' http://www.thoughtco.com/mcdonaldization-of-society-3026751 (Accessed 06 August 2019).
[251] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 8.

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stays male-focused.[252] This view reaffirms feminist sociologist Oyeroke Oyewùmí, observations in her examinations of gender in motherhood, that gender refers to 'two hierarchically organised, binary opposed categories in which the male is superior and dominant, and the female is subordinated and inferior'.[253] In the colonial or modern system, African women occupy a subordinated position as mothers, wives who are weak, helpless and socially marginalised. In the same way, human rights resolutely remain male-focused. This observation reflects why there has been slow or little change in how human rights address challenges confronting African women. It also forces recognition of human rights as a possible patriarchal institution because of its male focus. This could be an uncomfortable truth to confront bearing in mind that human rights as both a grand narrative and an ideology can and should be open to scrutiny.

Purple Hibiscus and *Patchwork* reveal that African women are not dominant in any fora that concern them and human rights systems reflect so. For example, when JS, Pumpkin's father runs for a presidential election, his political opponent Trevor Zulu are male so is his spokesperson.[254] Pumpkin's father campaign team contains more women than men. Pumpkin joins her father on the campaign walk but is nothing much but a window dresser.[255] Pumpkin ruminates how she feels counterfeit, as being part of the campaign does not mean she is there for the people. It seems from *Patchwork* that the political arena severely under-represents African women. In addition, African legal systems do not adequately represent African women. Human rights present a fragile promise to African women of shifting to the centre. Unfortunately, the modern human rights system is lacking in matters of attaining justice for African women. Human rights systems as a new world order seemingly have yet to recognise African women as citizens of the world. The human rights ideology remains exclusionary of African women, therefore; it struggles to recognise the need to address their challenges.

2.4.4 Obsession with the idea of human rights

The fourth and not least feature of modern human rights is the obsession with the notion of human rights or the excessive use of human rights language for anything and everything. Baxi in looking into the future of human rights, observes that there is a 'weariness' and

[252] M Walzer in T Evans *Human rights in the global political economy: Critical process* (2011) 32.
[253] O Oyewùmí *What gender is motherhood: Changing Yorùbá ideals of power, procreation and identity in the age of modernity* (2016) 58.
[254] E Banda-Aaku *Patchwork* (2011) 171, 174.
[255] E Banda-Aaku *Patchwork* (2011) 173.

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'wariness'- a sense that they are clichéd, fatigued, and probably even an impediment to justice instead of an avenue to providing it.[256] This observation offers a glimpse into the effects of modernity. Ultimately, fatigued human rights may not entirely respond to challenges affecting African women. Human rights appear to have a magical effect that promises to set the world at rights. This explains the obsession with the idea of human rights. Despite how utopian and idealistic they are, the promise they hold appears worthwhile for some sectors of society.

To examine the fixation with the idea of human rights in the modern era, I, firstly, look through various media. Media reflects that the world has a different view of what human rights entails. The modern world seems to have departed from the initial idea of human rights. Just like enlightenment shuns the ancient ways for the modern ways, the same evolvement seems to occur with modern human rights. Currently, the idea of refugees is unpopular with many countries taking every opportunity offered within their constitutions to turn away refugees.[257] Some of these countries are willing to cross the international conventions they acceded to or ratified in a bid to protect 'their rights or sovereignty'. In addition, advances in technology have made the human rights space a minefield. Increasingly, African women confront various cyberbullying tactics, either demeaning their features, identity or their beliefs. On 23rd September 2018, the Zambia National Women's Lobby (ZNWL) facilitated a debate dubbed: ***call to action on Cyber-bullying against women***.[258] What the debate exposed was that women and girls were more vulnerable to abuse online and that much of the abuse online mirrored that of society.[259] Online platforms such as Twitter, Instagram, Facebook and many others facilitate this abuse. Cyberbullying happens under the guise of freedoms of speech and expression. Douzinas terms this as a paradox of human rights where a violator of human rights can use them to violate.[260] To put it simply, the use of human rights or human rights language can either liberate or oppress the rights of

[256] U Baxi, 'Voices of Suffering and the Future of Human Rights' (1998) *Transnational Law and Contemporary Problems* 125 at 125.
[257] D Fasenfest 'Marx, Marxism and Human Rights' (2016) 42 6 *Critical Sociology* 777 at 777.
[258] 'Cyber bullying against women and girls a great cause for concern' http://www.panos.org.zm/index.php/2018/10/15/cyber-bullying-against-women-and-girls-a-great-cause-for-concern/ (Accessed 04 September 2020).
[259] 'Cyber bullying against women and girls a great cause for concern' http://www.panos.org.zm/index.php/2018/10/15/cyber-bullying-against-women-and-girls-a-great-cause-for-concern/ (Accessed 04 September 2020).
[260] C Douzinas 'The Paradoxes of Human Rights' (2013) 20 1 *Constellation* 51 at 57.

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the marginalised. All these abusive online tactics are not only dehumanising but also take years to get justice. In a way, the obsession with rights means their misuse too.

What is missing from the obsession with human rights conversation is the idea of responsibility. The modern world creates subjects whose concern is more to protect their rights and very little about the rights of others. Who is responsible for promoting and protecting the rights of African women? The enlightenment idea of self-realisation as an individual journey translates into how despite the presence of law and human rights people continue to pursue their rights at the expense of others. Literature may expose the lives of others that master discourses may overlook. *Purple Hibiscus* and *Patchwork* opens the reader to the other world that would otherwise remain invisible.

Secondly, Douzinas provides another understanding of what obsession with human rights may represent. Douzinas acknowledges that in Western postmodern societies, the hackneyed phrase 'I have a right to X' is used interchangeably with the bland expressions 'I desire or want X' or 'X should be given to me.'[261] Put another way, modernity blurs the difference between a right and a want such that the two become synonyms. At the core of the overwhelming demand and rapid use of rights, language is the advent of modernity that emphasises the freedom that individuals exercise.[262] In addition, Ward explains that modernity provides conditions that stimulate individuals to pursue the re-control of their lives through being vocal and retaking the language that illustrates themselves.[263] Individuals who feel they deserve or demand something may exercise human rights to appropriate what they require. While the use of rights to claim certain demands is laudable, Douzinas' major worry is the motivation driving those demands and claims to rights. In other terms, Douzinas assumes people cannot differentiate between a want and an entitlement. Douzinas solemnly believes the tragic failure to separate wants from entitlement takes away the authority that human rights possess.[264] Human rights and the human rights language are specific, applicable and obligatory but if used without caution can inevitably lead to divisions and grave loss of worth. Human rights and human language as specific, applicable and obligatory gives the idea that one can claim them because they point to the challenge. Applicable means that they

[261] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 12.
[262] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 34.
[263] I Ward *Introduction to critical legal theory* (2004) 155.
[264] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 12.

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are valid to address the challenge. Obligatory means they can be enforced. This probably explains why there is seemingly an obsession with the idea of human rights.

Third and lastly, another scenario that reflects an obsession with human rights and their language is the human rights affiliated organisations that have become capitalistic rather than a humanitarian focus. Dinyar Godrej, an editor with an interest in human rights, in his article 'NGOs-Do they help?' inspects the allegations of the non-governmental organisation as no longer blameless drivers of goodwill.[265] Godrej writes that international NGOs have budgets of millions of dollars making them powerful and change drivers in places they work.[266] This signals the globalized nature of capitalism. Human rights organisations may struggle to function without support from capitalism. Capitalism has ties to modernity, therefore, is likely to have control over the functions of these human rights organisations. Much of the Marxist driven accusations against the UN agencies and other human rights organisations have to do with how money has taken over the functions of these organisations. Arundhati Roy, an Indian author and human rights activist, explains how capitalism has infiltrated the non-governmental spaces such that the would-be revolutionaries have become paid activists, academics, documentary makers, away from radical opposition.[267] Similarly, in *The God of Small Things*, Roy writes that when the air is full of thoughts and things to say, it is only when small things are said while the big things remain silent inside.[268] As much as society watches injustice rife, the tendency is to spend energy on the insignificant while the bigger issues remain untouched. The infiltration of capitalism into the human rights sector means there is much ceremony on how these organisations are alleviating poverty, yet the bigger picture, the implicit is that the same organisations are capitalistic which promotes poverty. Therefore, the modern picture of the human rights space has become salaried and it expects academics to come up with ways to push the agendas of different human rights organisations that keep them functioning.

[265] D Godrej 'NGOS- Do they help?' https://newint.org/features/2014/12/01/ngos-keynote (Accessed 08 September 2020).
[266] D Godrej 'NGOS- Do they help?' https://newint.org/features/2014/12/01/ngos-keynote (Accessed 08 September 2020).
[267] A Roy 'Capitalism: A Ghost Story' https://magazine.outlookindia.com/story/capitalism-a-ghost-story/280234 (Accessed 08 September 2020).
[268] A Roy The *god of small things* (1997) 142.

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The United Nations Children's Fund (UNICEF) was in the news for being at the forefront of encouraging poverty in areas they work to keep donor funds coming into their coffers.[269] A quick search through internet search engines shows how UNICEF controls the narrative with the first two pages mainly about the organisation alleviating poverty. Reports that explore the dark side of capitalism within human rights are thin on the ground. The use of Utilitarianism may refute these arguments since UNICEF is doing greater good in places where no help would reach. Ideal utilitarianism supports that the most moral choice is the one that will generate the most worth for the maximum number.[270] However, this utilitarianism does not take into account the unpredictability of the future.[271] Utilitarianism also has trouble accounting for values such as justice and individual rights.[272] In doing, the greater good for many people tends to overlook the rights of individuals at the expense of group rights. Human rights organisations while doing ethical 'greater good' disempower the very people they claim to help when they leave them poor. I argue that is it ethical to keep those in the margins in their poverty to keep the survival of the human rights organisations. As Godrej observed, despite budgets in hundreds of millions, poverty alleviation remains grandiloquence.[273] Much of the budget covers the incomes of those who work in these organisations.[274] Likewise, Tamale in her critical analysis of African women movements and African feminism decries careerism in NGOs as the reason much attention is on financial benefits rather than how to better the lives of African women.[275] The majority of the marginalised in Africa are women, children, youth, persons with disabilities who suffer economic, social, and cultural poverty despite the presence of these human rights-based organisations advocating for a human rights-based approach to solving problems. In other words, the human rights-related programs and models do not encourage the full realisation of the economic and social rights of the marginalised groupings. The political, economic, social, legal and cultural environment is unconducive for poverty eradication in the first place.

[269] S Alyson 'Unicef needs the "needy" — who benefits from that?' https://karmacolonialism.org/unicef-needs-the-needy/ (Accessed 05 May 2020).
[270] R Barrow *Utilitarianism: A contemporary statement* (2015) 40.
[271] R Barrow *Utilitarianism: A contemporary statement* (2015) 42.
[272] R Barrow *Utilitarianism: A contemporary statement* (2015) 42.
[273] D Godrej 'NGOS- Do they help?' https://newint.org/features/2014/12/01/ngos-keynote (Accessed 08 September 2020).
[274] D Godrej 'NGOS- Do they help?' https://newint.org/features/2014/12/01/ngos-keynote (Accessed 08 September 2020).
[275] S Tamale 'Africa feminism: How should we change?' (2006) 49 1 *Development* 38 at 39.

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The section that follows draws from the features of legal modernity and human rights to examine their effects on African women.

2.5EFFECTS OF LEGAL MODERNITY AND HUMAN RIGHTS ON AFRICAN WOMEN

2.5.1 African women and the self-grounding of law

What are the effects of law as self-grounding on African women accessing justice? Law as self-grounded shapes how it addresses challenges that confront African women. Fitzpatrick explains that the law exists within the confines of action, time and space.[276] Law has to perform, be cognizant of time and occupy a powerful place. Law is both responsive and determinant. However, from a feminist approach the law occupies a violent position for African women. Postcolonial feminists are aware of how colonial history influences the place that African women occupy. Colonialism together with patriarchy pursues a narrative that marginalises the person, body, spirit and intellect of African women that relegates them to second-class citizen's positions. Feminist philosopher, Maria Lugones, exploring heterosexualism and the colonial modern gender system, argues that colonisation disrupted local social systems through imposing new westernised gender formations on the colonised.[277] Colonialism stratifies colonised males and females from themselves and the coloniser male and female. All that took place within the confines and comfort of colonial laws and policies.[278] In the same way, Upendra Baxi, from a postcolonial legal perspective, explains the colonial law as 'paternalistic' and an accomplice to colonial supremacy.[279] This implies that colonial law is patriarchal; which creates an environment that reaffirms the subjugated position of African women.

Fitzpatrick, examining modernism and the grounds of law, refers to what he calls Occidental law as a sign of progress that became a key justification and a tool for colonisation.[280] In other terms, the colonial law had nothing to do with the justice or development of the colonised. Colonial law smoothened and advanced the Enlightenment project of conquering and usurping foreign territories for the benefit of the west. African women as relegated to the

[276] P Fitzpatrick *Modernism and the grounds of law* (2001) 73.
[277] M Lugones 'Heterosexualism and the colonial / modern gender system' (2007) 22 1 *Hypatia* 186 at 186.
[278] I use the term colonial law to refer to laws within the colonial period of Africa. However, I am aware that some of these laws exist in post-independence constitutions.
[279] U Baxi 'Postcolonial legality' in H Schwarz & S Ray, (eds) *Companion to postcolonial studies* (2008) 540 at 541.
[280] P Fitzpatrick *Modernism and grounds of law* (2001) 107.

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margins were not only structurally, but also legally distanced from the idea of justice. The law in its denial of its origins denies the history that exists between law and the colonial past of African women. Is there a possibility that because the law denies its origins that it struggles to address the challenges that confront African women? The law has to remain remote to its origins to maintain its superiority of truth. Law has to operate within a time and space, but if those dimensions fail to recognise the people it excludes, justice fails. Self-grounded law assumes it autonomous and therefore, not open to an interrogation of its origins and operations.

The law as self-grounded echoes the modernity narrative that comprehends itself as its anchor. The assumption of self-grounding gives an idea of wholeness. However, from a metaphysical approach, the self-grounding of law demonstrates a connection to other forces that ground it.[281] A feminist approach recognises those nuances that are in modern law. For example, a postcolonial feminist perspective provides systems to interrogate the grounds and structural ordering that an allegedly 'objective' international law constructs in its objectives to gender justice.[282] This unearths the advantage of the Western (male) influence in law and its institutions.[283] Put differently, the postcolonial feminist perspective compels society to rethink and relook law and human rights from a postcolonial woman; her experiences and debates, therefore, opening law to other concerns outside the male gaze. In short, it is imperative to challenge the self-grounding of law to incorporate experiences and concerns of African women who remain in the margins.

2.5.2 African women perspective of social order

Earlier I mention the assumption that the world is without order outside the law, therefore; she looks to the law for stability. Marxists, through the conflict theory, view social order as due to coercion and power motivated by the diverse social and economic groups that exist in the society.[284] Put differently, the group that possesses economic and political power

[281] Metaphysical approach discusses the character of scientific truth, the validity and reality of legal rules. See CM Yablon 'Law and metaphysics' (1987) 96 *The Yale Law Journal* 613.
[282] K Wommelsdorff 'Whose womanhood? Feminist postcolonial approaches to law' https://voelkerrechtsblog.org/whose-womanhood-feminist-postcolonial-approaches-to-law/(Accessed 18 August 2020).
[283] K Wommelsdorff 'Whose womanhood? Feminist postcolonial approaches to law' https://voelkerrechtsblog.org/whose-womanhood-feminist-postcolonial-approaches-to-law/(Accessed 18 August 2020).
[284] R Dahrendorf and others (2006) 'Conflict and Critical Theories' 231 http://www.pineforge.com/upm-data/13636_Chapter7.pdf. (Accessed on 30 August 2019).

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dominates. African women exist in a group that retains little or no economic and political power. Therefore, the general assumption is that African women in the margins are unlikely to create chaos that upsets the current social order.

In chapter 3, I allude to how colonialism and patriarchy play a part in the role and place of African women. Boaventura de Sousa Santos' work straddles law and sociology with his greatest contribution to the social theory being recognising plural epistemologies, systems and ways of knowing. De Sousa Santos explains three things about modernity that resonate with the plight of African women and legal modernity. First, de Sousa Santos notes that science as a whole was presided over by an epistemological paradigm and a model of rationality that was exhausted.[285] In other words, the truth, belief and justification that science 'proved' in the modern era as rational, no longer applies. Secondly, western modernity with its values of liberty, solidarity and equality does not apply to the rest of the world.[286] Enlightenment-era processes encourage freedom, harmony and equality as visible signs of a world that is modern and civil. At the same time, from a postcolonial feminist view the same principles that mark progress create restriction, discord and inequalities for African women. As a postcolonial feminist, Anne McClintock reminds us of the root of the postcolonial condition of women when she investigates the intersectionality of gender, race, class, sexuality and nationality.[287] In addition, McClintock emphasises colonisation and the creation of race as vital qualities of western industrial modernity.[288] In essence, the advent of western civilisation robs African women of their identity, position and recognition leaving them as subhuman in their society. Third and last, western modernity was violent on its recipients; those who fell under its civilisation mission of colonialism.[289] There is little doubt that colonisation which is a tool of Enlightenment left continents torn apart, the damage still felt in independent former colonies. In my view, colonialism falls under cultural modernity that encouraged the urge to self-explore and self-realize.[290] Europeans did that as individuals such as explorers David Livingstone and colonisers, Cecil John Rhodes. However, the need

[285] B de Sousa Santos 'From the Postmodern to the Postcolonial- and Beyond Both' in EG Rodriguez and others (eds) *Decolonising European sociology: Transdisciplinary approaches* (2010) 225.
[286] B de Sousa Santos 'From the Postmodern to the Postcolonial- and Beyond Both' in EG Rodriguez and others (eds) *Decolonising European sociology: Transdisciplinary approaches* (2010) 226.
[287] A McClintock *Imperial leather: Race, gender, and sexuality in the colonial contest* (1995) 5.
[288] A McClintock *Imperial leather: Race, gender, and sexuality in the colonial contest* (1995) 5.
[289] B de Sousa Santos 'From the Postmodern to the Postcolonial- and Beyond Both' in EG Rodriguez and others (eds) *Decolonising European sociology: Transdisciplinary approaches* (2010) 227.
[290] DP Goankar *Alternative modernities* (2001) 2-3.

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to self-explore and self-realize was a national urge too. There was the search for new markets and resources to support the high demand from industrialisation.

Colonialism identified African women as second-class citizens, their function lacked worth. Colonialism encouraged colonialists to not only self-explore Africans but also African women, their bodies, their identities and their livelihood. African women became a piece of land that colonisers desired to subdue. This is the same setting law wants as a tool of social order. Chaos and remnants from violent modernity mar this setting. A setting in which the law claims autonomy yet history shows the bond between law and violent modernity. Feminist theory is one more theory on social order. Feminist theory in general in sociology pays attention to prejudice and marginalisation which has roots in sex and gender, objectification, organisational and economic inequality, power and domination, and sex roles and labels, to mention a few.[291] The feminist theory represents a response to other theories whose roots are masculine. Theories with a male focus fail to account for the unique needs of African women that affect and determine their place in the social order.

As much as society looks to the law to maintain this arbitrary order, Douzinas and Geary critically observe that at the core of the overwhelming need to maintain order, rests exclusivity.[292] African women battle exclusion that is why it is critical to this study to examine the forces behind the law. Sociologist Lawrence Frank, in the examination of social order, reveals how the world assumes as correct the nature of social order.[293] A thorough investigation into the character of social order reveals the power dynamics and hierarchies that determine who belongs where. It exposes the injustices that lurk within the rungs of the social order system. In addition, Lawrence explains how when something goes wrong in society, the assumption is somebody or someone did not adhere to the systems of social order and laws.[294] While it could be true that someone or somebody did not adhere to the systems of social order in case of something going wrong, I suggest it is equally true that the system of social order is possibly faulty consequently, the belief that something has gone wrong because of somebody is wrong too. The assumption could well be erroneous as African women are not in error in their pursuit for justice or for standing up for their rights within an exploitative social order.

[291] J McLeod *Beginning colonialism* (2010) 199.
[292] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 60.
[293] L Frank 'What is social order' (1944)49 5 *American Journal of Sociology* 470 at 470.
[294] L Frank 'What is social order' (1944)49 5 *American Journal of Sociology* 470 at 470.

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Modernity and African women

German Sociologist Ulrich Beck together with Anthony Giddens and Scott Lash expound the concept of reflexive modernity as a response to changes that industrial modernity brings to the world such as the right to vote, the welfare state, human rights and many others. Beck explains reflexive modernity as modernity modernising its foundations.[295] This means what the world knew, as the roots of modernity are different now since it modernises too. The modernity that is associated with enlightenment has since evolved into something else or what Beck terms reflexive modernity. The reflexive modernity brings with it broader insecurities and limits that the first modernity or rather the industrial modernity hints. In other words, industrial modernity brought with it human rights but those rights today do not seem to respond to the problems of the current modernity. Beck explains that the provisions that legal society generated and implemented to subdue issues and situations shifted zones in additional modernisation of modernity and transform from a source of problems to sources of solutions while their ideologies and systems remain unbroken.[296] Put simply, human rights and the law may provide the solution to the challenges that western women faced during pre-industrial modernity but due to the constant changes that modernity experiences, human rights and the law become both a problem and a solution. This, I argue is the current predicament of African women where the law is a problem, but the law is equally the solution.[297] A gap exists between the solutions that industrial modernity offered to humanity then and the solutions that work now. It follows that law, as a tool of social order is erratic because of its attachment to a modernity that is constantly reinventing even though its ideologies continue to remain the same. This presents an opportunity to seek out other alternative modernities that present an inclusive picture, a picture that sees the progression of African women beyond the realm of the current type of modernity.

In *Purple Hibiscus*, Aunty Ifeoma stands out as an anomaly in a repressive academic campus as her academic patriarchal society labels her a rebel for refusing to follow the social order of the University that infringes on her rights. The University ultimately fires her from lectureship job.[298] Sociologist David Emile Durkheim's social order theory acknowledges the

[295] U Beck *The reinvention of politics: Rethinking modernity in the global social order* trans M Ritter (2018) 33.
[296] U Beck *The reinvention of politics: Rethinking modernity in the global social order* trans M Ritter (2018) 52.
[297] LJ Moran 'Lesbian and gay in legal studies' in T Sandfort and others (eds) *Lesbian and gay studies: An introductory, interdisciplinary approach* (2000) 98 at 103.
[298] CN Adichie *Purple Hibiscus* (2010) 261.

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existence of individuals who go against the 'order' in society.[299] These individuals, Durkheim considers as necessary in bringing change and maintaining a balance within a group.[300] Other theorists such as Antonio Gramsci questioned Durkheim's social order theory and explained that the ideology of dominant individuals maintained and normalised certain status quos.[301] Similarly, Gramsci perceives those in power as being able to determine and regularise what is social order and that type of social order is mostly like to execute injustice to the members of the society who exist in the margins. I deduce that patriarchy as an ideology does normalise the bleak place of African women, the same way law can systemise certain status quos for the sake of social order. In chapter 3, I explain the precarious position of African women, that if the law represents a tool of social order as Durkheim observes then African women seeking an address to their challenges are deviants to the society. If the law is functionalist, then it does not advocate for the change in the status quo of African women.[302] If the law occupies a functionalist role in society, it explains the lack of urgency in addressing challenges that confront African women. The concern of law is to maintain order and ensure that everyone embraces his or her roles within society.

What is clear is that African women already have other forms of social orders that they battle with besides the law. Colonialism and patriarchy loom as tools of social order besides the law. Law participated and participates in maintaining colonialism and patriarchy making it difficult for African women to use the law as a solution to challenges confronting them. Colonialism and patriarchy have an association with modernity that emerges in the law. For centuries, patriarchy defines the identity, roles and conditions of African women. Colonialism through laws and policies cemented the patriarchal notions about African women. Post-independence African women have to rely on the same laws that have patriarchal substructures to participate in the new democracy. Undeniably, patriarchal authority is an exerting force that is present at every attempt that African women make to push against discriminatory hold.[303] For example, African women have to rely on quotas to participate in politics (parliament), in universities, in boardrooms. Ultimately, all these places are male-

[299] R Dentler & K Erikson 'The Functions of Deviance in Small Groups' (1959) 7 *Social Problems* 11 at 11.
[300] R Dentler & K Erikson 'The Functions of Deviance in Small Groups' (1959) 7 *Social Problems* 11 at 11.
[301] C Boggs *Gramsci's Marxism* (1976) 39.
[302] Law as functionalist explains and analyses the based on the functions that law and legal rules serve for society, interest groups, and other legal actors. See G Mousourakis *Comparative law and legal traditions : Historical and comparative perspectives* (2019)115- 119.
[303] P Okeke-Ihejirika 'Gender equity in African educations systems' in M Ndulo & M Grieco *Power, Gender and Social Change in Africa* (2009) 207 at 226.

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centric and difficult. As I state above, although they are numerous versions of modernity, the system and ideologies that underpin it does not change. For example, modernity allows pockets of African women to educate but fails the same women to access ceilings that men place in certain industries. African women can break the ceiling if they have access to it. For example, Nigerian law enforcement excludes married women, while in service pregnant single women face discharge with reinstatement possible from the Inspector General of Police.[304] In other words, the current version of modernity promises little to African women, especially in assisting law as a tool of social order.

2.5.3 African women and the politics of law

For African women, while there is progress in their representation in politics, there is still much more room necessary to address the gender inequalities that are in politics. On the other hand, while the Inter-Parliamentary Union gives figures of African women representation in politics or political offices, it does not measure how much those percentages translate to the influence that African women in political offices have towards their rights and the creation of laws that address their needs. Maty Conte and Victor O Kwadwo in their analysis of political empowerment of women in Africa point that political representation of women in Africa is more descriptive than substantive.[305] This means it is not only about the representation of African women in politics but also about the influence, they generate over decisions that affect their livelihood.

Parliaments enact laws. The absence and minute representation of African women in parliament indicate that they often have to rely on males to make laws for them. While the assumption is, members of parliament represent their constituents, the majority being women; the reality is most male parliamentarians lack understanding and grasp of the experiences and challenges that affect African women. A good example is how now African women lobby for the price reduction of sanitary products to eradicate period poverty. South Africa has committed and taken steps to remove Value Added Tax (VAT) on menstrual hygiene products, to give access to free pads to girls in public schools and to introduce menstrual

[304] E Anaza 'Expectations and perceptions of factors that delegitimize sexist practises within sports programs' in J Chepyator-Thomson and others (eds) *Youth, globalization, and society in Africa and its diaspora* (2020) 230 at 231.
[305] M Konte & VO Kwadwo 'Political Empowerment of Women in Africa: Influence or Number?' https://impakter.com/political-empowerment-of-women-in-africa-influence-or-number/ (Accessed 02 October 2020).

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hygiene in schools. [306] In addition, South Africa, under the Ministry of Women, Youth and Persons with Disabilities has drawn up a Sanitary Dignity Framework document that will guide policy and law on menstrual health. Other countries that have removed VAT on menstrual hygiene products are Tanzania and Mauritania.[307] Kenya was the global pioneer that removed VAT in 2004.[308] Female representation in the political arenas does not explain the successful advocacy for ending period poverty as the movement heavily relied on African women activists who lobbied for these changes. The parliament is also a patriarchal institution because of not only the disproportionate gender representation but also the location and history of parliaments as male preserves.[309] Hannah Briton, in her evaluation of women in the post-apartheid South African parliament, writes that the practices, standards, insights and everyday experiences of legislators continue to be male-identified.[310] In other words, the parliament becomes a site of male privilege and identity. It follows that law making becomes a male privilege.

While this study is not paying attention to African women and politics, the relationship that law has to politics demands that I look into the idea. Tamale, in her study of gender and parliamentary politics in Uganda, argues that law-making process and construction depends on institutional disposition and its interaction with gender.[311] Simply put, politics in Africa are male and that influences the law the making process. As African patriarchal society excludes women in the public space of politics, it follows that their involvement in the law making process is either limited or non-existent. African males are both the political representatives and lawmakers. This duality keeps law and politics as a male-dominated site. This duality, society must dismantle as both law and politics are spaces that create and preserve power. In addition, Tamale, in her suggestions of revamping African feminism, emphasises that women cannot distance themselves from politics because their subordination

[306] S Barbier 'South Africa Commits to Providing Free Sanitary Pads to Girls' https://www.globalcitizen.org/en/content/south-africa-2019-budget-mhm/ (Accessed 02 October 2020).
[307] P Adepoju 'African activists seek universal access to sanitary products' https://www.devex.com/news/african-activists-seek-universal-access-to-sanitary-products-95248 (Accessed 02 October 2020).
[308] P Adepoju 'African activists seek universal access to sanitary products' https://www.devex.com/news/african-activists-seek-universal-access-to-sanitary-products-95248 (Accessed 02 October 2020).
[309] S Tamale *When the hen begins to crow: Gender and parliamentary politics in Uganda* (2018) 33.
[310] HE Britton *Women in the South African parliament: from resistance to governance* (2010) 81.
[311] S Tamale *When the hen begins to crow: Gender and parliamentary politics in Uganda* (2018) 33.

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and oppression is a political issue.[312] Furthermore, modernity makes it possible for any resemblance of power and authority to take a legal form.[313] This explains why it is important to trace the movement of law from restricted to general jurisprudence, only then can society comprehend the reasons why law and human rights have not addressed challenges confronting African women. The nexus of patriarchal law and politics and the absence of African women from law and politics leave their challenges unaddressed.

To address the absence of women in politics, some African governments have resorted to the gender quota system.[314] Gender quota systems are to address the gender imbalance in parliament but that system has met with reservations from feminists and African women rights advocates. Tamale considers the quota system as promoting tokenism.[315] In other words, African women become part of parliament at the convenience of the male-controlled system. African governments are under pressure to respond to regional and international treaties that aim to recognise men and women as equal. Tokenism gives the idea that women are in parliament, therefore, contribute to law making yet in reality, their influence does not translate into tangible change in laws and policies. Molly Willeford examines the success of women parliamentary representation in Sub-Saharan Africa and analyses two questions.[316] Firstly, under what conditions does the presence of (African) women in the elected office lead to a woman-friendly policy?[317] Secondly, do women in parliaments in Sub-Saharan Africa advocate to pass laws that address the challenges of violence against women?[318] What Willeford reveals is that no clear link exists between increased numbers in parliaments and parliament passing a woman-friendly policy.[319] What is glaring is there are other factors

[312] S Tamale 'Africa feminism: How should we change?' (2006) 49 1 *Development* 38 at 40.
[313] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 9.
[314]M Willeford 'Are Women Winning? Does Descriptive Representation of Women in Parliament Lead to Woman-Friendly Policy in Sub-Saharan Africa?' (2016) 21 *Res Publica - Journal of Undergraduate Research* 34 at 35.
[315] S Tamale *When the hen begins to crow: Gender and parliamentary politics in Uganda* (2018) 32.
[316] M Willeford 'Are Women Winning? Does Descriptive Representation of Women in Parliament Lead to Woman-Friendly Policy in Sub-Saharan Africa?' (2016) 21 *Res Publica - Journal of Undergraduate Research* 34 at 34.
[317] M Willeford 'Are Women Winning? Does Descriptive Representation of Women in Parliament Lead to Woman-Friendly Policy in Sub-Saharan Africa?' (2016) 21 *Res Publica - Journal of Undergraduate Research* 34 at 34.
[318] M Willeford 'Are Women Winning? Does Descriptive Representation of Women in Parliament Lead to Woman-Friendly Policy in Sub-Saharan Africa?' (2016) 21 *Res Publica - Journal of Undergraduate Research* 34 at 35.
[319] M Willeford 'Are Women Winning? Does Descriptive Representation of Women in Parliament Lead to Woman-Friendly Policy in Sub-Saharan Africa?' (2016) 21 *Res Publica - Journal of Undergraduate Research* 34 at 35.

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besides African women being involved in politics enough to enact laws that impede addressing challenges that confront them. At the core of these factors is the ever-present patriarchal system that influences and directs various processes both in private and public spaces in African society. Since the law is political, society excludes African women from politics, it follows that law making remains the privilege of males. In addition, the law remains male-focused and orientated. However, since modern law is positive, that is it depends on human action, therefore, open to change.[320] In other words, people contribute to what makes law. However, in the African space, law making is an area limited to males. Modern law remains idealistic for African women as it fails to liberate them from challenges that confront them.

2.5.4 Effects of ethical human rights on African women

Modern ethics are subjective.[321] People can create, use and interpret ethics from different perspectives. Modern ethics are a social construct.[322] People create ethics based on what they consider to be of value or moral at a certain period. There is a possibility of society preserving values that they consider moral but that have since become invalid. The human rights system as a social construct is not immune to being subjective and invalid.

Ethics are there to maintain social order as they underlie not only the human rights system but also other social order systems. The definition of good and evil is largely dependent on the dominant group in society. This reflects the subjective nature and the possibility of social construction of ethics. Patriarchy dominates narratives about African women because patriarchy as a system silences female voices.[323] African women barely occupy a position in a society that determines what is ethical for them. My argument centres on the determination of truth and good: the how by whom and for what reason. For postcolonial feminists, the politics of representations is crucial to determining the truth, the truth that relates to African women.[324] The absence of African women experiences means denying their truth of repeated subjugation and violence at the system of patriarchy. African women, remain subjugated because the truth the world applies as the law and human rights is not their truth. Douzinas

[320] K Tuori *Critical legal positivism* (2016) 16.
[321] B Williams *Morality : An introduction to ethics* (1972) 14.
[322] J Porter *Moral action and Christian ethics* (1999) 45. See also B Williams(1972) *Morality : An introduction to ethics* Cambridge: Cambridge University Press
[323] JN Ifechelobi 'Feminism: Silence and Voicelessness as Tools of Patriarchy in Chimamanda Adichie's *Purple Hibiscus*' (2014)8 4 35 *African Research Review* 17 at 18.
[324] RS Rajan and Y Park 'Postcolonial feminism or postcolonialism and feminism' in H Schwarz and S Ray (eds) *A companion to postcolonial studies* (2005) 53 at 54.

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writes that government representatives, envoys, policy advisers, international civil service and human rights experts are responsible for creating laws in the human rights space.[325] This trend is similar to the features of modern law; that the legal space is professional and exclusive to certain trained individuals. The exclusion of African women from the spaces of parliament, education, science, technology means that they struggle to determine their present and the future.

Equally, Adichie in *Purple Hibiscus* seemingly recognises the struggle of African women to assert their rights and to seek justice even outside the law and human rights systems themselves. Adichie weaves a story that reveals the struggles of African women that the legal and human rights systems in all their glory seemingly struggle to address. Beatrice, who after countless beatings and miscarriages at the hands of her 'human rights conscious' husband Eugene resorts to poisoning him slowly to finally achieve a skewed form of justice for herself.[326] The Beatrice experience shows three things about human rights as ethical. First, human rights are seemingly silent about patriarchy, therefore, cannot establish moral ground in a patriarchal space. Secondly, patriarchy is a moral ground. The system of patriarchy is such that it controls every aspect of African women including what is right and wrong. Third and final, the system of human rights mimics that of patriarchy, it is exclusionary, therefore, seemingly fails to address challenges confronting African women.

Douzinas from a cosmopolitan humanitarianism perspective of human rights sternly warns that human rights have 'moved away from the concerns and methods of moral and legal philosophers and towards the priorities of politicians.'[327] The countenance of politics in Africa is male, therefore, patriarchal. Patriarchy and human rights are incompatible. African women as forgotten victims of patriarchy will not benefit from human rights if they are synonymous with politics. The group that has power easily navigates political labyrinths. Politics produces classes that divide between the powerful and the weak, between the rich and the poor. Class divisions do affect African women's place in society and consequently their ability to enjoy human rights and access to justice. Ward observes that postmodern jurisprudence deconstructs the imagined universalism of 'philosophy' of 'law' as it uncovers the detailed politics serving that discourse.[328] In applying the postcolonial feminist approach,

[325] C Douzinas *Human rights and the empire: The political philosophy of cosmopolitism* (2007) 180.
[326] CN Adichie *Purple Hibiscus* (2010) 35, 290.
[327] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 11.
[328] I Ward *Introduction to critical legal theory* (2004) 168.

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it becomes vivid that males possess no critical interest in the challenges of African women, therefore, demonstrating little grudging respect for their rights.[329] Politics merely serves the specific interest of those in authoritarian power and Africa, the precarious position of African women remain that they are invisible in both the private and public spaces.

Ward introduces the idea of political ethics, which is a community creating a political instead of universal ethics.[330] This is in theory guards against ethical nihilism or moral nihilism.[331] Moral nihilists believe that nothing is moral at the origin. People create morality by assigning right or wrong to actions. Communitarian politics is justice because it underlines the idea of morality.[332] In this case, justice determines the nature of the ethical community not the operations of the law. In other words, if this related to African women, it means they would have an opportunity to define justice on their terms and experience. The focus ceases to be on law but justice. The foundation of liberalism is the legal rights of individuals while communitarianism is rooted in the ethics of justice in the community.[333] Human rights created in a liberal world seem open-minded.[334] This thought emanates from post-world war two beliefs when the western world looked to human rights as the system that will act as a moral benchmark. This was a human rights system that seemingly advanced the world past evils such as colonialism, slavery and wars into modern civilisation. Even if this type of community ethics is tested, it remains that there lacks a holistic environment that can facilitate this kind of dialogue for African women.

In reaction to human rights questionable ethical assertion, Derrida notes that the 'fate of other' in ethics defines the precise notion of justice. [335] In other words, at the core of human rights remains the idea of the Other. This means acknowledging their presence and fostering an environment that makes them equal with everyone. As Fitzpatrick explains, the global nature of human rights is such that it excludes and marginalizes the non-global in an elusive approach under the guise of the global or modern term 'interdependence', the Other slowly disappears.[336] African women look to human rights to level and uplift them from a perilous position in society but that notion has not fully materialised. The homogenising aspects of

[329] A McClintock *Imperial leather: Race, gender, and sexuality in the colonial contest* (2013) 13.
[330] I Ward *Introduction to critical legal theory* (2004) 57.
[331] I Ward *Introduction to critical legal theory* (2004) 57.
[332] I Ward *Introduction to critical legal theory* (2004) 57.
[333] I Ward *Introduction to critical legal theory* (2004) 57.
[334] C Samson *The Colonialism of human rights: Ongoing hypocrisies of western liberalism* (2020) 35.
[335] I Ward *Introduction to critical legal theory* (2004) 169.
[336] P Fitzpatrick *Modernism and the grounds of law* (2001) 200.

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human rights because of modernity conceal challenges affecting African women under other universally appealing world problems. While African women may want to resist group ethics, the potential of society casting them as a rebel or an outcast is highly probable.

2.5.5 African women and obsession with human rights

While I appreciate Douzinas exposition of the Western overuse of human rights[337] as a rudimentary tool to secure what one lacks, the same principles relate less for African women. Exercising human rights haphazardly affects those who require genuine assistance from them. This is far from a convincing argument about recognizing the difference between a desire and an entitlement. African women suffer as the majority have little or no opportunity to receive justice from their own state's constitutional and traditional systems.

To understand better the obsession with human rights or its language, I go back to modernity. What kind of subjects did modernity create in Africa? It is indiscriminate to believe that although modernity is a global phenomenon that tends to homogenise, therefore, it creates similar subjects. Modernity creates different subjects out of Africa.[338] What is clear is that western modernity may not have created completely faithful subjects to it. This means the idea of human rights may not fully resonate as with other narratives originating from western modernity. This brings the question to what extent African women are modern subjects. If they are, modern subjects are they as obsessed with human rights or the human rights language as Douzinas claims.

Michael Hanchard, an Africana studies researcher, with an interest in the marginalised populations in his understanding of Afro-modernity, notes that there is a scholarly tendency to refuse and deny the impact that African people culture and civilisation could have on western modernity.[339] In addition, Hanchard notes that the denial overlooks how Africans forged paths away from western modernities despite their interconnectedness.[340] What captivates the Hanchard observation is the possibility of Africans having their version of modernity while still interwoven with western modernity. Hanchard defines afro-modernity

[337] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 12.
[338] J Conteh- Morgan 'Modernity and modernism' in S Gikandi (ed) *Encyclopedia of African literature* (2005) 470. See also L Moyo & B Mutswairo 'Can the sulbatern think? The decolonial turn in communication research in Africa' in B Mutswairo *The Palgrave handbook of media and communication research in Africa* (2018) 21.
[339] M Hanchard 'Afro-modernity: Temporality, politics and the African diaspora' in DP Gaonkar *Alternative modernities* (2001) 272 at 273.
[340] M Hanchard 'Afro-modernity: Temporality, politics and the African diaspora' in DP Gaonkar *Alternative modernities* (2001) 272 at 273.

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as a specific appreciation of modernity and modernity prejudice among people of African ancestry.[341] In addition, it involves selecting and including technologies, conversations, and organizations of the modern West within the cultural and political practices of people from Africa, making comparatively independent modernity separate from Western Europe and North America.[342] Even though this is what Afro-modernity is, there is a possibility that colonialism and patriarchy deny the opportunity for African women to assert themselves enough to obsess about their rights.[343] Colonialism and patriarchy force African women to accept their subservient role in society. Although colonialism was a vehicle to enlighten Africa, it did not share the Enlightenment promise. Colonialism brought humiliation, degradation and confusion.[344] Modernity created conflicted subjects who do trust modernity. While modernity, which is rooted in enlightenment, aimed at liberating the individual to reason and flourish at will, colonialism and patriarchy clipped those ideals off for African women.[345] To clarify, the advent of modernity does not liberate African women, but simply repackages the oppressive ideas of colonialism and patriarchy.

The demand for the rights of African women in Africa is a difficult task. While some African countries have ratified or acceded to several regional and international conventions that promise to promote and protect the rights of African women, conventions like the UN CEDAW and the AU Maputo Protocol have reservations that are grounded in national law, tradition, religion or culture that are not congruent with convention principles.[346] Under those circumstances, it shows that in some parts of African society, the demand and use of human rights and human rights language remains at the development stage. This is mainly because of the legacy of colonialism, patriarchy, nationalism and other mechanisms that remain in place to dissuade African women from demanding and using the human rights language. This does not indicate that African women do not use human rights language per se. This view opens up possibilities of African women claiming their rights outside the modern traditional

[341] M Hanchard 'Afro-modernity: Temporality, politics and the African diaspora' in DP Gaonkar *Alternative modernities* (2001) 272 at 274.
[342] M Hanchard 'Afro-modernity: Temporality, politics and the African diaspora' in DP Gaonkar *Alternative modernities* (2001) 272 at 274.
[343] J Conteh- Morgan 'Modernity and modernism' in S Gikandi (ed) *Encyclopedia of African literature* (2005) 470.
[344] SJ Ndlovu-Gatsheni *Coloniality of power in postcolonial Africa* 53, 59.
[345] J Conteh- Morgan 'Modernity and modernism' in S Gikandi (ed) *Encyclopedia of African literature* (2005) 470.
[346] 'Reservation to the CEDAW' https://www.un.org/womenwatch/daw/cedaw/reservations.htm (Accessed 04 September 2020).

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understanding of claiming rights. For example, in *Patchwork* Grandma Ponga employs the human rights language to explain to her daughter Totela why she needs to ensure that JS pays for the upkeep of Pumpkin.[347] Totela finds the demand for upkeep money from JS an impossible task even though he can afford it.[348] Her indifference frustrates Grandma Ponga who is aware of the right to maintenance for every child. The difference between Grandma Ponga's demand and use of human rights and the demand that Douzinas refers to is that the environment Grandma Ponga lives in needs an aggressive use of human rights demand or human rights language because of its colonial past, nationalistic outlook and the prevalence of patriarchal institutions.

What matters is if the obsession with human rights counts African women as human enough to deserve rights? In other words, it matters little if governance speaks the human rights language but that does not translate to justice for African women. First, African women find it difficult to separate their very patriarchal nationalistic governments from anything that can bring change to their challenges.[349] Many African governments seem to have sublet social responsibility to non-governmental organisations that have their private agendas, which may in large not tackle challenges that African women confront.[350] Some African governments associate human rights organisations with anti-government views.[351] This leaves African women in a precarious position where demanding their rights impossible.

Secondly, when African governments use human rights language they give the impression to African women that there are aware of their challenges. This pacifies African women to believe that change is coming. The reality is that hardly happens especially with postcolonial governments whose focus remains patriarchal and nationalistic. African women, although, part of many liberations struggles for independence never received the same god-like appreciation as their male counterparts (guerrillas or comrades).

Third and final, the use of human rights language by governments reflects the impact of modernity on governance. Globalisation, which is an offshoot of modernity, made the

[347] E Banda-Aaku *Patchwork* (2011) 37.
[348] E Banda-Aaku *Patchwork* (2011) 37.
[349] L Kindervater & S Meintjes 'Gender and governance in post-conflict and democratizing setting' in F Ní Aoláin and others (eds) *The Oxford handbook on gender and conflict* 468 at 472.
[350] D Godrej 'NGOS- Do they help?' https://newint.org/features/2014/12/01/ngos-keynote (Accessed 08 September 2020).
[351] L Kindervater & S Meintjes 'Gender and governance in post-conflict and democratizing setting' in F Ní Aoláin and others (eds) *The Oxford handbook on gender and conflict* 468 at 473.

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universality of human rights language acceptable and ready for use. Globalisation, which initially began as a vehicle for the integration of markets and economies; has since evolved to the integration of cultures, rights and attempts to make the world better.[352] African governments like many others have become proficient in the use of human rights and human language to achieve their end goal. Fitzpatrick notes human rights as a 'pervasive criterion' that nations became cultured and modern.[353] Human rights as universal criteria of civilisation and modernity, African countries with a history of the coloniser labelling them savages would associate with the idea of human rights. After all, human rights signify progress and maturity. The challenges plaguing African women from gender-based violence, war, access to justice, racial and sexual discrimination paint a sombre picture of the world in the era of modern human rights. Arendt in her understanding of totalitarianism writes that crimes against human rights have become a speciality of dictatorial governments.[354] Although her context refers to totalitarianism, crimes against human rights are present even in most democratic governments. Should society still trust human rights as an effective language for social change since governments use the same language to commit violations? In essence, this points to the problems that exist within modern human rights and their language.

Generally, any language becomes useful if the sender and the receiver can clearly understand each other. In the event of sending or receiving a message, no noise should interfere with that process. If human rights language is like any language, the assumption is that the same principles in any communication process should apply. The relationship between sender and receiver is unbalanced, with the sender normally the North, determining what constitutes human rights and the receiver the South expected to accept. Noise occurs when the understanding of human rights as a language and a system differ due to factors such as historical injustices (colonialism, slavery), culture, gender discrimination, and many others. Tamale in her examination of knowledge production of African sexualities illuminates that the language of Western colonialists dominates African sexual narratives therefore, reflecting the realities and experiences of the West.[355] Moreover, Foucault, in the examination of the

[352] C Akrivopoulou *Defending human rights and democracy in the era of globalisation* (2017) xix.
[353] P Fitzpatrick *Modernism and the grounds of law* (2001) 120.
[354] H Arendt *The origins of totalitarianism* (1996) 379.
[355] S Tamale 'Researching and theorizing sexualities in Africa' in S Correa and others(eds) *Sexuality and politics: Regional dialogues from the global south* 16 at 18.

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order of discourse, noted that language and discourses produce knowledge.[356] In other terms, it is impossible to ignore the language of the human rights grand story as this carries the power of that narrative. Western modernity favours western knowledge. African women cannot recognise this language because they have a different human rights language. In addition, contend with the effects of patriarchy and colonialism that human rights fail to address. Put differently, Africa expresses the language of human rights differently from North America or Europe, African women have no reason to obsess over a language that does not comprehend or solve their challenges. Modern human rights, because of their link to modernity have widened the gap between justice and African women. The obsession with the idea of human rights under the modern era limits the potential of other possible alternatives to the challenges confronting African women. Human rights as a universal system or language reflect the homogenisation and superiority stance that modernity presents.

2.6CONCLUSION

In this chapter, I examine the features of modern law and human rights and how they shape the experience of justice for African women. In the first section, I make sense of the concept of modernity and legal modernity to set up the framework for understanding features of legal modernity and human rights. It is important to explain the relationship between the law, human rights and modernity. What emerges from that examination is that modernity infiltrates the law and human rights and that influences the process of addressing challenges that confront African women.

The introduction of Enlightenment reason as the principal way to achieve success and self-realisation changed the course of law. The result is a law that is technical and professional. Reason meant the loss of morality aspects that keep the law human. Law and human rights 'reason' fail to achieve success and self-realisation promise for African women. The Enlightenment promise remains just that.

Under the section of features of modern law, I examine law as self-grounding, but this assertion remains contentious because the law is not innocent of the influence of modernity. Law under modernity is a two-pronged ideal because it allows the law to maintain its character as self-grounding while on the other hand influencing its self-grounding.

[356] M Foucault 'The order of discourse' in R Young (ed) *Untying the text: A post-structural anthology* (1981) 48 at 52.

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The self-grounding of law gives it the confidence to act as a tool of social order. I argue that the tool of social order relies on exclusivity. In other words, there are sections of the society that deserve policing while the rest due to their political, social and economic power remain ignorant of the law as a tool of social order. African women as the ones in the margins suffer the most with little recourse available for them. Law as a tool of social order neither addresses the subjugated position of African women nor has the world become free from injustice, inequality and discrimination.

The features of the modern human rights section examine how modernity shapes human rights. Before the discussing the features of modern human rights, I look at the relationship that exists between modernity and human rights. What is clear in this discussion is that modernity is inescapable. Modern human rights manifest the influence of modernity.

Although not exhaustive, modernity's general assertion is human rights are a universal concept. Tensions arise from the cultural relativist and feminist approaches that contest the idea of the universality of human rights. Diverse people interpret human rights from a unique perspective, which depends on their peculiar circumstances. Feminists consider human rights exclusionary and aloof from the African women experience. Such a critical gap in the ambiguous and ambitious definition of human rights affects African women as the current set of human rights descriptions do not necessarily address their needs.

I dispute the notion of human rights as a seamless system that is free from any manipulation either politically or economically. The examination of ethical assertion reveals that ethics provide human rights with their moral high ground and legitimacy. However, the abstract nature of this universalistic thought of ethics, morality and justice leads to a distance between African women experiences and justice. The uncertainty that lies in the future of ethics presents even more challenges about the definition of justice for African women.

Human rights as an ideology of the new world order explains the Douzinas disagrees with the obsession and the overzealous nature that the world has over human rights. I argue that human rights as a new world order reflect imperialistic tendencies that points to domination and power with little benefit for African women. Obsession with human rights, I argue precludes other possibilities to resolve challenges that affect African women.

What is distinct and is that feminists demonstrate the exclusion of African women not only from the society in general but also within the justice systems of law and human rights. The

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root of this exclusion has origins in European Enlightenment modernity that from the onset excludes women and specifically African women. This possibly explains the inability of a modern justice system to address the challenges that confront African women.

The subsequent chapter examines the novels *Purple Hibiscus* and *Patchwork*. The purpose is to expose the challenges that confront African women and why human rights have seemingly not addressed them.

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CHAPTER 3: *PURPLE HIBISCUS* AND *PATCHWORK* AND WHAT THEY REVEAL ABOUT THE LIVES OF AFRICAN WOMEN

"…Don't speak like a woman!"[1]

3.1INTRODUCTION

The research problem of this study is to consider the plight of African women and the failure of human rights to respond fully to it. The previous chapter examines the concept of modernity, its influence on law and human rights and ultimately its effect on addressing challenges that confront African women. In this chapter, I turn to two *Bildungsroman* by African female writers; *Purple Hibiscus* by Chimamanda Ngozi Adichie and *Patchwork* by Ellen Banda-Aaku (see Appendice A for a summary and analysis of the texts) to expose the problems confronting African women.[2]

I refer to the two authors as African female writers instead of feminist writers as some African female writers deny the label feminist.[3] African female writers in their work may illustrate challenges that confront African women. The two authors, although, coming from Nigeria and Zambia respectively, do manage not only to uncover but also to name challenges that plague African women such as domestic violence, unfair labour procedures, traumatised widowhood, and silence to mention a few. Rebecca J Cook and Simone Cusack, writing on gender stereotyping, emphasise the importance of 'naming' of wrong to ensure its purging.[4] In essence, as long as the challenges that confront African women remain vague and blurred, the law and human rights remain just sources of hope for them. When that hope of the law and human rights fail, it becomes an illusion.

Adichie and Banda-Aaku in these novels not only reveal how African women struggle for freedom from patriarchal, colonial, cultural and religious to mention a few holds, but also demonstrates possible ways to break those shackles. Both colonialism and patriarchy or 'double colonisation' play a role that determines the position of African women and they will

[1] CN Adichie *Purple Hibiscus* (2010) 87.
[2] The *Bildungsroman* is a novel of self-development, of education or growth. See Brigid Lowe 'The *Bildungsroman*' in Caserio, RL (ed) *The Cambridge history of the English novel* (2012) 405.
[3] The problem is the term feminist seemingly confines writers to certain expectations and images that are not the intentions of the writer.
[4] RJ Cook & S Cusack *Gender and stereotyping: Transnational legal perspectives* (2010) 39.

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continue to do so unless African women dismantle that hold. Double colonisation as Kirsten Holst Petersen and Ann Rutherford coins refers to how women have concurrently undergone the tyranny of colonialism and patriarchy.[5] Colonialism and Enlightenment modernity have a symbiotic relationship.[6] This implies the ravages of colonialism on African women mirror those of modernity. Enlightenment modernity provided the machinery to propel colonialism.[7] I am reading both novels from multiple sources that may illustrate the injustices African women encounter one generation after the other. Studying *Purple Hibiscus* and *Patchwork* opens up alternative modernities and possibilities to understanding the plight of African women that celebratory human rights and the law inadequately addresses. Alternative modernities are a response and a challenge to the idea of European Enlightenment modernity as the universal standard of civilisation.[8] In addition, alternative modernities reveal the existence of other ways, other epistemologies, and other philosophies outside the grand European Enlightenment modernity. In proposing *Purple Hibiscus* and *Patchwork* as representing alternative modernities, I reflect on them as sources of African women experiences excluded from the patriarchal, colonial European Enlightenment modernity.

Dilip P Goankar relies on Kant to describe modernity as an attitude of questioning the present.[9] An attitude is a stance or mindset that an investigator inhabits to probe the present. Goankar explains that alternative modernities go beyond questioning just the present but the attitude today.[10] This implies that alternative modernities not only examines the knowledge foundations of society today but also investigate the approach to world issues that originates from that base. For example, what attitude does the African society have towards gender equality is gainfully navigated through examining sources that are in the margins? It is imperative to read other interpretations of challenges confronting African women in the correct context. Modernity is global and ever evolving such that there is a danger of assuming a general outlook about challenges confronting African women. African women have

[5] R Tyagi 'Understanding Postcolonial Feminism in relation with Postcolonial and Feminist Theories' (2014) 1 2 *International Journal of Language and Linguistics* 45 at 45.
[6] B Bertolt'Thinking otherwise: Theorizing the colonial/ modern gender system in Africa' (2018) 22 1 *African Sociological l Review* 2 at 5.
[7] B Bertolt'Thinking otherwise: Theorizing the colonial/ modern gender system in Africa' (2018) 22 1 *African Sociological l Review* 2 at 5.
[8] DP Gaonkar (ed) *Alternative modernities* (2001) 13-14.
[9] I Kant cited in DP Gaonkar (ed) *Alternative modernities* (2001)13. For a detailed discussion, see Foucault's two essays on Kant: "What Is Enlightenment?" in P Rabinow (ed) *Ethics: Subjectivity and Truth, vol. 1 of Essential Works of Foucault 1954–1984* (1997) 303–20, and M Kelly "The Art of Telling the Truth," in *Critique and Power: Recasting the Foucault/ Habermas Debate* (1994) 139–48.
[10] DP Gaonkar (ed) *Alternative modernities* (2001)13.

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overlapping realities and experiences like other humans. Their realities and experiences cannot be summarised in a few words. They are so many possibilities about who African women are in society. Although *Purple Hibiscus* and *Patchwork* are fictional, they present an opportunity to imagine, to glimpse the realities and experiences of African women. It is important to hear the female voice and realities that correspond with the lives of real women.[11] Later, in Chapter 4, under 'Feminist critique of the traditional *Bildungsroman*' I explore further this statement. The nature of modernity demands that I think from an alternative modernities view. Goankar shows that thinking from an alternative modernities perspective suggests favouring a specific stance of examination.[12] Specific stance of examination refers to a site based reading consciously reading a modern text from a specific ideological stance. In the study, I draw from various sources interrogate and interpret the challenges African women confront as revealed in *Purple Hibiscus* and *Patchwork*. In addition, I pursue the cultural theory of modernity that acknowledges that the impact of modernity is such that a change is inevitable in all societies but that does not result in convergence of those societies.[13] This implies that although modernity is inescapable so are its changes, it does not suggest full merging of them in society. It is at that juncture that alternative modernities are produced. Furthermore, the cultural theory of modernity demands an examination of 'how the pull of sameness and the forces making for difference' intermingle under various sites of history and politics to create alternative modernities.[14] *Purple Hibiscus* and *Patchwork* offer that opportunity to examine, interpret, and reveal challenges confronting African women outside the universally known sources of knowledge. Literature as a site where people make themselves modern, therefore, pointing to their character and purpose, can reveal the challenges encountering African women. Most important African women written literature highlights the intersectional issues such as gender inequalities, poverty, class and race that African women confront that are difficult to solve without addressing the principal root of the issues.

The chapter begins with a brief overview of the women characters in *Purple Hibiscus* and *Patchwork*. The second part of the chapter follows an in-depth discussion of what *Purple Hibiscus* and *Patchwork* reveal about the challenges that African women encounter.

[11] D Cornell *Beyond accommodation: Ethical feminism, deconstruction and the law* (1991) 3.
[12] DP Gaonkar (ed) *Alternative modernities* (2001)15.
[13] DP Gaonkar (ed) *Alternative modernities* (2001)17.
[14] DP Gaonkar (ed) *Alternative modernities* (2001)17.

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3.2THE WOMEN CHARACTERS IN *PURPLE HIBISCUS* AND *PATCHWORK*

The African women in *Purple Hibiscus* and *Patchwork* (see Appendice A for a summary and analysis of each text) are fictional but mirror representatives of some African women and the enormous challenges that confront them. *Purple Hibiscus and Patchwork* as *Bildungsroman* not only trace the journey of protagonists Kambili the fifteen-year-old girl and Pumpkin the nine-year-old girl but also reflects the intergenerational challenges that beset African women at every stage of their lives. In this chapter, I endeavour to show vividly what *Purple Hibiscus* and *Patchwork* reveal about the lives of African women. The ability to trace African women experiences through literature offers the opportunity to reveal the gaps that exist in law and human rights in addressing the challenges affecting these women. I first give a brief picture of the African women characters in *Purple Hibiscus* who all have a relationship with Eugene, a symbol of patriarchy. Beatrice as the wife to Eugene opens this discussion, her daughter; Kambili follows who witnesses most of the life that Beatrice shares with Eugene. Aunty Ifeoma is a sister in law to Beatrice and Aunty to Kambili. She faces challenges that her daughter Amaka witness but has a different attitude towards them. The *umunna* wives Beatrice in her duties as a wife to Chief Eugene especially the cooking. The *umunna* wives are women married to the *umunna* men. The *umunna* is the extended family of where one comes from.[15] Sisi assist Beatrice in her housework.

The second part of this section introduces the female characters in *Patchwork*, their relation to each other and the men in their lives. The nine-year-old protagonist Pumpkin, Natasha or Pezo narrates the events in the first half of the novel. Readers encounter 30-year-old Pumpkin in the second half. Pumpkin is the daughter of Totela, her mother and Joseph Sakuvango, Tata or JS. Grandma Ponga is Pumpkin's grandmother and mother to Totela's mother. Mama T is wife to Pumpkin's father while Gloria is his mistress. BaDodo is Pumpkin's friend at Tudu Court where she lived in her formative years. Sissy is the house help at Mama T's house and Pumpkin's friend of sorts.

3.2.1 *Purple Hibiscus* women characters

Mama or Beatrice

[15] '*Purple Hibiscus* Glossary' http://www.gradesaver.com/purple-hibiscus/study-guide/glossart-of-terms (Accessed 16 March 2020).

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Mama is wife to Eugene and mother to Kambili and Jaja. Mama is both a loving but also a helpless mother against the tyrannical behaviour of her husband towards her and her children. From the beginning of the novel, it is not clear if a loving relationship exists between Eugene and her. It is also unclear what level of education Beatrice has. I deliberately point out these two factors, as sometimes the argument has been that uneducated and unloved women are susceptible to abuse at home.[16] This is because uneducated women may have to depend on others for survival, therefore, susceptible to domestic abuse. Adichie chooses not to define if these two factors exist with Beatrice. At the core of all the challenges Beatrice encounters is that she is a woman. Beatrice has little to say in her home. Eugene sets the rhythm in the Achike home and Beatrice and her children are careful not to upset that order. Beatrice has an unequal relationship with Eugene. Due to Eugene's brutal beating and sexual violence, she suffers three miscarriages. For Beatrice, the losses of those babies not only play on her psyche but also are ground for the *umunna* to continue taunting her for failing to give Eugene more children.[17] Beatrice is religious as indicative of various religious artefacts in her home. However, by the nature of her position in the Achike household, the decorations in that home may have been to appease the religious fanatic Eugene. On the other hand, her religious upbringing makes her vulnerable to abuse from Eugene who straddles between African cultural beliefs and dubious Christian beliefs.

Beatrice decides to open up to Aunty Ifeoma who is sister to her husband. Adichie deliberately depicts Aunty Ifeoma as an ally to Beatrice. This goes against the common culture in Africa where sisters of the husband defend their brother's abusive tendencies of his wife.[18] Aunty Ifeoma becomes a safe haven for Beatrice and her children.

Beatrice in her quest for freedom receives support from Sisi her house help who gives her the poison that she uses to poison Eugene slowly to his death.[19] Sadly, the state system imprisons Jaja for the 'crime' his mother commits.

After the death of Eugene, a cocooned Beatrice slowly emerges. She begins giving orders to her workers and making decisions about her life. The Eugene imposed silence is still there

[16] MM Paraschiv 'Elif Shafak's Works : A means of preventing honour based violence' in M Badea & M Suditu (ed) *Violence Prevention and Safety Promotion in Higher Education Settings* (2018) 36 at 46.
[17] CN Adichie *Purple Hibiscus* (2010) 75.
[18] I Schapera 'Kinship and marriage among the Tswana' in AR Radcliffe-Brown & D Forde (eds) *African systems of kinship and marriage* (2015)140 at 143-144.
[19] CN Adichie *Purple Hibiscus* (2010) 290.

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but it is soft and promising. The legacy of Eugene's violent treatment of Beatrice remains with her even though he is dead.

Kambili

Kambili, the fifteen-year-old narrator of the story, is a complex character. Readers witness her growth as the main character of the story. The character of Kambili is much unexpected for a fifteen-year-old especially with the in-depth descriptions she gives of the violence and abuse in her home. One would expect a girl of her age to 'be occupied' with teenage issues rather than violence and abuse. Life at home is conflicting for Kambili. She does not understand why her father is violent. Kambili wonders why her father allows her to take scalding sips of tea from his cup and yet violently thrashes her unconscious.[20] On the other hand, her mother defends her father to Kambili because he refuses to bow to his *umunna* pressure to take another wife to bear him more children. Kambili painfully seeks the approval of her father and feels disappointed when she is not first in her class.[21] Kambili is quick to offer praise to her father even for something like the tasteless juice that Sisi serves at the table.[22] Like her mother, she is predominantly silent at home but has a secret language with Jaja, her brother. She speaks more to her mother and brother than her father. Despite all that conflict about her father, Kambili worships him.

Kambili is a student at a nun run school at Daughters of the Immaculate Heart Secondary School.[23] The school was the preference of her father. He was impressed with the high walls and discipline of the school.[24] The other girls bully Kambili for being quiet and interpret that as being snobbish.[25] Kambili excels but is not as good enough for her tyrannical father who demands that she does better than the girl who came first. Her father made timetables for her and her brother to account for every hour of their day.[26] Her father determined how she spends her time, even on weekends. Kambili followed that time plan without questions until she visited Aunty Ifeoma in Nsukka.

[20] CN Adichie *Purple Hibiscus* (2010) 31, 102.
[21] CN Adichie *Purple Hibiscus* (2010) 39.
[22] CN Adichie *Purple Hibiscus* (2010) 40.
[23] CN Adichie *Purple Hibiscus* (2010) 45.
[24] CN Adichie *Purple Hibiscus* (2010) 45.
[25] CN Adichie *Purple Hibiscus* (2010) 51, 52.
[26] CN Adichie *Purple Hibiscus* (2010) 34.

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Nsukka becomes a special place for Kambili for many reasons. Firstly, it is in Nsukka that Kambili realises that life at home can be different to what she knew. Her aunt, Ifeoma is a liberal woman who allows Kambili to forget about her timetable.[27] Aunty Ifeoma is open-minded and allows Kambili to relax from her father's strict study regime. Secondly, in Nsukka, she realises how her cousin Amaka carries herself differently from her. Kambili envies her ability to apply lipstick and to wear slacks without fear of punishment from her parent.[28] Kambili notices Amaka speaks all the time about everything.[29] Thirdly, in Nsukka, she finds love with Father Amadi and becomes aware of her sexuality.[30] Finally, in Nsukka Kambili decides to stand up against the control of her father and his rigid Christian beliefs as she realised what is real Christianity and fatherhood.

Kambili has a conflicted and complex nature that resurfaces when Mama confesses to poisoning the tea she made for her father.[31] Kambili becomes hysterical when she realizes that she may have taken sips of that poisoned tea.[32] In the end, Kambili acknowledges that her mother and she do not talk much.[33] Nevertheless, their silence in the absence of Eugene is fearless.

Aunty Ifeoma

Aunty Ifeoma is a sister to Eugene and aunt to Kambili and Jaja. She is also a mother to Amaka, Obiora, and Chima. She is a widow. Aunty Ifeoma lost her husband, Ifediora, in a car accident but some of his relatives believe she killed him.[34] The *umunna* of her husband believes she hid money from them awarded after the death of their son.[35] Although, Aunty Ifeoma finds these allegations disturbing she quickly dismisses them. Aunty Ifeoma has a detrimental relationship with the *umunna* of her husband.[36] However, she believes her children should keep in contact with the relatives of their late father.[37] From the experiences of Aunty Ifeoma, *Purple Hibiscus* seemingly draws attention to the tension between culture

[27] CN Adichie *Purple Hibiscus* (2010) 124.
[28] CN Adichie *Purple Hibiscus* (2010) 89.
[29] CN Adichie *Purple Hibiscus* (2010) 78.
[30] CN Adichie *Purple Hibiscus* (2010) 139, 204, 205.
[31] CN Adichie *Purple Hibiscus* (2010) 290.
[32] CN Adichie *Purple Hibiscus* (2010) 290.
[33] CN Adichie *Purple Hibiscus* (2010) 306.
[34] CN Adichie *Purple Hibiscus* (2010) 74.
[35] CN Adichie *Purple Hibiscus* (2010) 74.
[36] CN Adichie *Purple Hibiscus* (2010) 74.
[37] CN Adichie *Purple Hibiscus* (2010) 74.

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and the needs of African women. In addition, the novel seemingly emphasizes the conditions of widowed African women.

At home, Aunty Ifeoma struggles with frequent power cuts fuel shortages, poor medical care for her ailing father, Papa-Nnukwu ultimately affect her whole outlook on life in Nigeria.[38] Despite the difficulties that Aunty Ifeoma grapples with, she still manages to create a safe space for her children and her extended family. Aunty Ifeoma becomes a source of inspiration for Kambili, Jaja, and Beatrice as they find her space liberating and transforming.

Although Aunty Ifeoma is a Christian, she acknowledges the place of African beliefs in her life.[39] She easily relates and welcomes her very traditionalist African father but draws a gentle line when it comes to his views on the cultural place of African women.

Aunty Ifeoma is a qualified university lecturer at Nsukka.[40] She finds her relationship with the university management impossible as she constantly questions its authoritarian patriarchal systems. The university system is fraught with employment irregularities and labour abuse.[41] The university management threatens her with a job loss as she tries to assert her rights.[42] Aunty Ifeoma refuses to bow to the dictates of society and opts to carve her way of life. Having had enough, Aunty Ifeoma chooses to move to the United States of America (USA) with her family.[43]

Amaka

From the onset, Adichie presents Amaka as a foil. A foil is a character that shows qualities that are in contrast with the qualities of another character.[44] She is the complete opposite of everything that is Kambili. Amaka is outspoken and opinionated while Kambili is silent and indifferent.[45] Amaka dresses, as she likes while Kambili bows to the choices of her father. Amaka has a worldly awareness that comes with exposure while Kambili has tunnelled worldview. Amaka watches international news, listens to Fela Kuti; a Nigerian political

[38] CN Adichie *Purple Hibiscus* (2010) 115, 121, 129, 155.
[39] CN Adichie *Purple Hibiscus* (2010) 81.
[40] CN Adichie *Purple Hibiscus* (2010) 83.
[41] CN Adichie *Purple Hibiscus* (2010) 222, 224.
[42] CN Adichie *Purple Hibiscus* (2010) 261.
[43] CN Adichie *Purple Hibiscus* (2010) 278.
[44] 'Foil' http://literarydevices.net/foil/ (Accessed 06 March 2020).
[45] CN Adichie *Purple Hibiscus* (2010) 78.

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activist and musician.[46] Amaka is aware of why Nigeria is torn and corrupt. This awareness causes Amaka to worry about what the future holds for her in Nigeria. Amaka questions the religious naming ceremony that Kambili had taken without question.[47] Amaka flourishes because her environment allows her to do so. Only Amaka verbally asked Kambili who was responsible for her abuse.[48] Kambili found that question liberating as no one outside her family knew who was responsible for her abuse.

Not everything about Amaka is serious as she teases Kambili about her minimum knowledge of dishwashing.[49] Amaka notices how Kambili has a love interest in Father Amadi and she encourages her to enjoy that moment.[50] In a way, Amaka becomes the catalyst that emboldens Kambili to move and get what she wants. This is significant as all along Kambili had always pursued what was in the interest of her father.

Amaka moves to the USA with her family. The USA becomes a safe haven for Amaka and her family. She felt it was where she could be who she wants to be.

Umunna wives

The *umunna* wives are women married to the *umunna* men. Eugene has one and it features prominently in the story. The *umunna* is the elderly males of a clan. The *umunna* wives are the spouses to these men. I cover much ground about these *umunna* men and the influence they hold in the community in the detailed summaries.[51] The *umunna* wives have a role to support the wife of the chief during functions. Eugene as the chief has the *ummuna* males surrounding him while the *umunna* wives busy themselves with cooking for the masses of people who have come to see Eugene their leader and benefactor.[52] What is glaring is that the *umunna* wives despite being spouses of powerful *ummuna* suffer the same fate as those women unrelated to the *umunna* men. Evidently, *umunna* wives are poor as they steal meat portions during cooking.[53] In addition, *umunna* wives take rotten food meant to be thrown away to cook in their homes. Furthermore, the *umunna* wives are shabbily dressed for people

[46] CN Adichie *Purple Hibiscus* (2010) 118, 277.
[47] CN Adichie *Purple Hibiscus* (2010) 241.
[48] CN Adichie *Purple Hibiscus* (2010) 220.
[49] CN Adichie *Purple Hibiscus* (2010) 140.
[50] CN Adichie *Purple Hibiscus* (2010)219.
[51] See Appendice A for historical background, summary and analysis of *Purple Hibiscus* that discusses the *umunna*.
[52] CN Adichie *Purple Hibiscus* (2010) 73, 91.
[53] CN Adichie *Purple Hibiscus* (2010)73.

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who are coming for a meeting with their chief.[54] While the narrator does not say much about the daily lives of these *umuna* wives, their behaviour and conversations expose troubled lives. It is also ill defined if the *umunna* wives are aware of the effects of *umunna* decisions on other women in the clan. My assumption is even if *umunna* wives knew the effects; their positions in the *umunna* hierarchy deem their opinion valueless.

Sisi

Sisi is the house help in the Achike household.[55] The narrator does not provide much about who Sisi is or where she comes from. I propose that Adichie probably stuck to the traditional *Bildungsroman* genre where the story focuses on the journey of the central character. Despite Sisi being a flat character, she plays an important role in dismantling the violent grip Eugene has over his family. I deduce Sisi witnesses the violence in the Achike home, which may explain why she obtained poison for Mama to use in the tea she served her husband. [56] Later, Eugene dies from that poison.

The following section gives a brief overview of the major female characters in *Patchwork*. Save for BaDodo, friend to Pumpkin all the women characters examined in this section have a direct relationship with JS, the father to Pumpkin. JS stands as a symbol of patriarchy that affects generations of African women from young Kambili to an elderly Grandma Ponga.

3.2.2 *Patchwork women* characters

Pumpkin

Pumpkin is the protagonist of the novel. The narrative follows her from a mere nine-year-old to a 30 something-year-old woman in postcolonial Zambia. From the beginning, Pumpkin is not certain who she is. Pumpkin narrates that she is two different people as her birth; the Registrar of Births recorded twice.[57] In addition, the first record has her name as Natasha Ponga with the part for the father absent.[58] The second record has her name as Pezo Sakavungo with her father written as Joseph Sakavungo.[59] Furthermore, what puzzles Pumpkin is no one refers to her as Natasha or Pezo. The name Pumpkin is so because she

[54] CN Adichie *Purple Hibiscus* (2010) 91.
[55] CN Adichie *Purple Hibiscus* (2010) 21.
[56] CN Adichie *Purple Hibiscus* (2010) 290.
[57] E Banda-Aaku *Patchwork* (2011) vii.
[58] E Banda-Aaku *Patchwork* (2011) vii.
[59] E Banda-Aaku *Patchwork* (2011) vii.

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was a chubby baby and her mother ate endless amounts of pumpkins while expecting her.[60] The confusion over her identity trails Pumpkin throughout the story and affects her relationship with everyone around her.

The illegitimacy of Pumpkin exacerbates the controversy surrounding her identity. Pumpkin is aware of how her birth changed not only the Pongo family but also the Sakavungo. Pumpkin is aware her grandmother resents her birth.[61] In addition, she is cognizant that Mama T, wife to her father resents her birth too. Pumpkin calls herself a 'bad seed'.[62] Pumpkin carries this inferiority and it causes her to be mean and nasty not only to other children but also later to Tembo, her husband. Ultimately, Pumpkin carries with her a sense of never belonging.

Totela

Totela is the mother of Pumpkin and JS former lover. Six months into university, Totela became pregnant much to the disappointment of her mother. [63] I notice that the voice of Totela is missing in the argument between her mother and JS over the naming of Pumpkin. I assume one of the reasons is that she is in love with JS and sees no reason to impose on the naming ceremony. Totela for years continues to pine after JS without any response from him. Totela finds solace in alcohol.[64] Grandma Ponga recognises JS as the source of her alcoholism.[65] However, Totela is so blindly in love she refuses to respond to what her mother observes.

Totela lives with Pumpkin at Tudu court. She uses the car that JS brought for her. Pumpkin assumes the car is new but it breaks down a day after JS gave her mother.[66] Totela resolves to catch a taxi to work.[67] Banda-Aaku points to some difficulties that single mothers experience such as the ability to commute safely from one point to another.

The battle with alcoholism has a huge impact on the decisions Totela makes. She stops being a mother to Pumpkin. She sends Pumpkin to get alcohol on credit from Sibanda a child

[60] E Banda-Aaku *Patchwork* (2011) viii.
[61] E Banda-Aaku *Patchwork* (2011) viii.
[62] E Banda-Aaku *Patchwork* (2011) vii.
[63] E Banda-Aaku *Patchwork* (2011) 32.
[64] E Banda-Aaku *Patchwork* (2011) 10.
[65] E Banda-Aaku *Patchwork* (2011) 31.
[66] E Banda-Aaku *Patchwork* (2011) 4.
[67] E Banda-Aaku *Patchwork* (2011) 5.

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sexual predator.[68] Totela almost burns the house down after she slept while cooking.[69] Above all, it culminates with Totela losing custody of Pumpkin to JS. JS had come visiting only to find Totela inebriated.[70] Pumpkin narrates how the move affects her rather than Totela. Nonetheless, what is clear is the separation from Pumpkin may have encouraged Totela to seek help. Pumpkin mentions that when she saw her mother two school terms later, she did not smell of whisky or toothpaste.[71] Seemingly, after JS took over the care of Pumpkin, Totela seems able to deal with her problems.

Years later in 1978, Totela marries Uncle Oscar.[72] She seems fulfilled and happy with Uncle Oscar. Totela and Uncle Oscar tests are HIV positive.[73] With support from her daughter and mother, Totela finds accepting her condition much easier.

Grandma Ponga

Grandma Ponga is another pillar of support to Pumpkin. Strong-willed Grandma Ponga is determined, and bold. She refuses to bow to JS and had several near-violent encounters with him.[74] Grandma Ponga does not wait for JS to give Pumpkin a name as would be culturally expected. This action of Grandma Ponga forces JS to obtain another birth certificate for Pumpkin that names him as her father.[75] The hatred of JS is one trait that remains constant with Grandma Ponga.

Although Pumpkin is her granddaughter, Grandma Ponga has a hidden resentment of her birth. She feels her birth disrupted her family.[76] However, Grandma Ponga never tells Pumpkin that truth.

Much of the life that Grandma Ponga leads has a lot of pain but she rises above it all. She does not crumble in the face of adversity. Grandma brought up her children on her own after her military husband died young. Grandma Ponga demonstrates her business acumen when she took over the tavern and made it into a profitable business.[77] However, this success, her

[68] E Banda-Aaku *Patchwork* (2011) 14.
[69] E Banda-Aaku *Patchwork* (2011) 17.
[70] E Banda-Aaku *Patchwork* (2011) 42.
[71] E Banda-Aaku *Patchwork* (2011) 85.
[72] E Banda-Aaku *Patchwork* (2011) 171.
[73] E Banda-Aaku *Patchwork (*2011) 212.
[74] E Banda-Aaku *Patchwork* (2011) viii.
[75] E Banda-Aaku *Patchwork* (2011) vii.
[76] E Banda-Aaku *Patchwork* (2011) vii.
[77] E Banda-Aaku *Patchwork* (2011) 32.

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children mar, as they do not match her determination and strong will. Totela gets pregnant at 18; Nelson and Membe are drunkards who constantly disturb her tavern business with fights, brawls, and torn shirts.[78] Uncle Musonda studying mine engineering in the USA seems to be the only bright spot to her.[79] Despite these disappointments, she remains resolute and firm.

Grandma Ponga has experienced colonial Zambia and independent Zambia.[80] She still lives in New Town battling the same ills that existed before independence. [81] New Town is notorious for crime, prostitution, drunkenness and other social ills.[82] During political upheaval necessitated by the Rhodesian forces, she takes in her granddaughter even though she claims New Town is not safe for Pumpkin.

Grandma Ponga has a difficult relationship with her daughter, Totela. Grandma Ponga does not approve of her relationship with JS.[83] Even more painful, she did not approve of her pregnancy at 18 and dropping out of university.[84] Another reason for the fraught relationship, Grandma Ponga strongly feels that Totela should demand concrete financial support from JS for child support.[85] Totela seems reluctant to make those demands on JS. I deduce she feared that she might lose her daughter to a financially secure parent.

Although Grandma Ponga and Totela fought, when Totela became ill, Grandma Ponga set aside all their differences and tried to find a cure for what was ailing her daughter.[86] When Totela tested positive for Aids, Grandma Ponga still stands with her. Grandma accepts that destiny without much argument.

Mama T

Mama T is a mother to five boys and she seems to oscillate between her home and church. A tortured soul mixed with a volatile and spiteful demeanour describes Mama T. Mama T as named Theresa.[87] Her name not only has biblical connotations but also echoes the philanthropist humanitarian Mother Teresa. As Christian, Mama T constantly relies on her

[78] E Banda-Aaku *Patchwork* (2011) 32.
[79] E Banda-Aaku *Patchwork* (2011) 32.
[80] E Banda-Aaku *Patchwork* (2011) 11.
[81] A Sardanis *Zambia The first 50 years* (2014) 23.
[82] E Banda-Aaku *Patchwork* (2011) 31.
[83] E Banda-Aaku *Patchwork* (2011) 31.
[84] E Banda-Aaku *Patchwork* (2011) 32.
[85] E Banda-Aaku *Patchwork* (2011) 37.
[86] E Banda-Aaku *Patchwork* (2011) 155.
[87] E Banda-Aaku *Patchwork* (2011) 45.

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beliefs to help her carry through the burden that her straying husband and his illegitimate offspring bring.

Mama T is insecure in her relationship with JS. JS as a womaniser forces her to be constantly in a fighting mode with what she perceives to be a threat to her holy ordained marriage. Some of that insecurity shows when MamaT seems to apply skin lightening creams. Pumpkin indicates that when she first met Mama T her skin was as that of a ripe mango save for her elbows and knuckles.[88] I correlate that observation from Pumpkin with Sissy confiding to Pumpkin that JS had a weakness for fair-skinned young women.[89] I deduce that Mama T was indeed enlightening her skin in an attempt to keep her straying husband in their home.

As a Christian, Mama T finds it difficult that her son Kapaji is gay.[90] Although Pumpkin reports that Kapaji is the most successful of all the brothers, his mother refuses to celebrate that success.[91] The novel briefly turns the spotlight on sexuality choice and its effects on the family unit. Mama T is uncomfortable and that adds to the list of her worries.

Mama T is a round character whose spiteful demeanour towards Pumpkin only change after the death of Gloria. Gloria, Totela and other women had been part of her marriage to JS. The death of Gloria is significant to Mama T because she is aware that JS did love her so much and now he has lost her. The death of Gloria closes one chapter of Mama T and floods her heart with hope.[92] I suggest that it was strangely therapeutic for Mama T as following that death Mama T found solace in Pumpkin. After the death of JS in a car accident, Mama T sought more comfort from Pumpkin. Mama T displays her love for JS even though he never considered her feelings throughout their marriage.

Gloria

Gloria is a mistress to JS. Pumpkin describes Gloria as a modern well-dressed woman; from her hoop gold earrings, red painted nails, and to her colourful dashki.[93] Pumpkin is surprised

[88] E Banda-Aaku *Patchwork* (2011) 45.
[89] E Banda-Aaku *Patchwork* (2011) 49.
[90] E Banda-Aaku *Patchwork* (2011) 203.
[91] E Banda-Aaku *Patchwork* (2011) 203.
[92] E Banda-Aaku *Patchwork* (2011) 184.
[93] E Banda-Aaku *Patchwork* (2011) 70.

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that Gloria knew her name at their first meeting.[94] Pumpkin is not aware that Gloria is mistress to her father.

Further interaction between Gloria and JS indicates an equal partnership in the relationship. This is important to note, as JS is a symbol of patriarchy and toxic masculinity in *Patchwork*. Gloria has a certain hold over JS that other women do not have. She even calls JS 'Joe' which shocks Pumpkin as no one ever call her father that.[95] JS does not seem to mind that shortened version of his name. JS believes she is his real love. Gloria seems to reciprocate that love. Gloria is attempting to quit smoking but on the day JS visited her with Pumpkin he finds a cigarette stub on her shelf.[96] This upsets JS but Gloria just apologises and shifts her attention to Pumpkin.

Gloria works as a psychologist. She quickly picks that Pumpkin has behavioural issues as she catches her stealing money from her purse. Gloria sends Pumpkin to another room while she reveals to JS that his daughter had insecurity and fear problems.[97] The evaluation that Gloria does on Pumpkin turns out true, as Pumpkin battles insecurity in adulthood.

Pumpkin recalls 1978 as the year her father left Mama T to live with Gloria in the city.[98] There is no information about Gloria during that time she lives with JS. In 1991, Gloria left JS and he moved back with Mama T at the farm.[99] Gloria moved back to Barbados but for a year wrote letters to Pumpkin explaining her reasons for leaving JS.[100] Gloria is much older than Pumpkin but she confides in her why her relationship with JS was never going to be. Ironically, Gloria had confided in JS about insecurities Pumpkin had in her childhood, the same Gloria trusts an insecure Pumpkin to be able to handle bad reviews about her father.

Gloria dies from a stroke.[101] Her death devastates JS.[102] At Gloria's death, Mama T painfully realises that her husband never stopped loving Gloria.[103] Pumpkin is equally torn but recognises as she held Mama T in her hands that she was the victim after all.[104] The death of

[94] E Banda-Aaku *Patchwork* (2011) 70.
[95] E Banda-Aaku *Patchwork* (2011) 73.
[96] E Banda-Aaku *Patchwork* (2011) 70.
[97] E Banda-Aaku *Patchwork* (2011) 75.
[98] E Banda-Aaku *Patchwork* (2011) 171.
[99] E Banda-Aaku *Patchwork* (2011) 171.
[100] E Banda-Aaku *Patchwork* (2011) 172.
[101] E Banda-Aaku *Patchwork* (2011) 178.
[102] E Banda-Aaku *Patchwork* (2011) 178.
[103] E Banda-Aaku *Patchwork* (2011) 205.
[104] E Banda-Aaku *Patchwork* (2011) 178.

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Gloria opens a new chapter for Pumpkin and Mama T. Pumpkin acknowledges the wreck her father has left on his assorted women.

BaDodo

Ba Dodo is older than Pumpkin but still a friend.[105] She is a half-sister to Sonia and Daisy from their paternal side.[106] Pumpkin describes her as shabbily dressed with cracked feet.[107] Pumpkin confesses to struggling to place her age.[108] Despite these somewhat unkind descriptions of BaDodo, Pumpkin finds her a good friend. Pumpkin preferred to play with her than the other girls at Tudu Court. BaDodo requests to play mother to Pumpkin because she finds her long hair fascinating. [109] This scenario suits Pumpkin well who was hardly getting attention from her alcoholic mother.

After Grade Seven BaDodo did not proceed to high school because her grades were not good enough.[110] This situation is a reflection of Zambia after independence when they were very few schools that only the top students could attend.[111] Staying at home places BaDodo in a vulnerable position. Likewise, Pumpkin witnesses Mwanza rape BaDodo.[112] Later BaDodo dies from a botched abortion. BaDodo never receives justice for the rape or the illegal abortion.

Sissy

Sissy is the house help in the Sakavungo household.[113] Banda-Aaku developed her Sissy character more than Adichie did with her Sisi character in *Purple Hibiscus*. Sissy is a pillar of support and a mother figure to Pumpkin when she moved to the farm.[114] Sissy offers Pumpkin advice and guides her during her first days at the farm. Sissy gives Pumpkin the welcome and attention she did not receive from her stepmother and stepbrothers. Sissy notices the naughtiness and lying in Pumpkin after Mama T loses her ring. In addition, Sissy

[105] E Banda-Aaku *Patchwork* (2011) 22.
[106] E Banda-Aaku *Patchwork* (2011) 20.
[107] E Banda-Aaku *Patchwork* (2011) 21.
[108] E Banda-Aaku *Patchwork* (2011) 21.
[109] E Banda-Aaku *Patchwork* (2011) 21.
[110] E Banda-Aaku *Patchwork* (2011) 21.
[111] A Sardanis *Zambia: The first 50 years* (2014) 17.
[112] E Banda-Aaku *Patchwork* (2011) 22.
[113] E Banda-Aaku *Patchwork* (2011) 46.
[114] E Banda-Aaku *Patchwork* (2011) 47-50, 54.

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becomes aware of the anxiety that plagues Pumpkin when she first arrives to live at the farm. In short, Sissy is very sensitive to the needs of Pumpkin.

However, while Pumpkin and the Sakavango family occupy Sissy, Pumpkin narrates details about her private life. Sissy was married three times before Zu her current husband. [115] Her first and third husbands died.[116] Her second husband whom she confesses to having loved dearly went to Zaire in search of emeralds but never returned.[117] The second husband had promised to come back for her and Sissy waits eagerly for that moment.[118] I presume Sissy is a strong individual despite so much loss; she still is sensitive to the needs of Pumpkin. I choose to read her yearning for her second husband in sync with the abusive treatment Sissy receives from her current husband. Zu is a drunkard, womaniser, physically and emotionally abusive to Sissy among other atrocious deeds.[119] The manner Zu behaves makes Sissy wish her second husband back. Pumpkin reaffirms this notion as she watches Sissy scrub hard the clothes in the laundry room as if washing away her past and Zu.[120] Pumpkin concludes that if Sissy could get rid of Zu from her life she could have a long ago.[121] The truth about that conclusion from Pumpkin reflects the experience many African women have in abusive relationships. Some African women could be aware of how dangerous a relationship is but the reality is it is not so easy to leave that situation. Years later when Southern Rhodesia gained her independence, Sissy and Zu moved back to Zimbabwe.[122] Interestingly, Banda-Aaku does not indicate earlier in the story if Sissy and Zu is Zimbabwean.

The following section discusses what the novels reveal about the lives of African women. I link the above characters' experiences in the novels with my arguments to show the position and environment under which African women exist. At the same time, I show the influence and impact of modernity on the lives of African women.

3.3 COMMON THEMES IN *PURPLE HIBISCUS* AND *PATCHWORK*

This section explores the common themes in *Purple Hibiscus* and *Patchwork* relevant to African women such as appearance versus reality, religion as a tool of oppression,

[115] E Banda-Aaku *Patchwork* (2011) 63.
[116] E Banda-Aaku *Patchwork* (2011) 63.
[117] E Banda-Aaku *Patchwork* (2011) 63.
[118] E Banda-Aaku *Patchwork* (2011) 63.
[119] E Banda-Aaku *Patchwork* (2011) 63.
[120] E Banda-Aaku *Patchwork* (2011) 63.
[121] E Banda-Aaku *Patchwork* (2011) 63.
[122] E Banda-Aaku *Patchwork* (2011) 176.

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deconstructing patriarchy and silence and voice. Although these themes relate to the characters in the novels, they also help readers imagine the conditions of these characters in the real world. What is critical is that at the core of these themes are the operations of patriarchy in both the private and public spaces.

Appearance versus reality

Common to both novels is the constant tension that exists between appearance and reality. This theme speaks of what the world perceives to be a reality, yet it is not. What Adichie and Banda-Aaku question is who determines what is real, bearing in mind that African women do not have a voice or if it is there, it is inaudible. The novels demonstrate how easy it is to bury the pain and challenges that African women face in their spaces because they appear content in their situation. Both novels explore this theme as they reveal imbalances that exist between men and women relationships. *Purple Hibiscus* and *Patchwork* (see Appendice A) enlighten the reality of African women and importantly from her perspective.

Even more critical, it is my view that hidden in appearance versus reality is the operation of patriarchy that determines the appearance and the reality of and for African women. Adichie and Banda-Aaku in deconstructing the appearance versus reality premise reveal the layers of patriarchy presenting the experiences of African women. Many issues affecting African women have veiled under this theme, issues such as their sexual and reproductive rights, access to resources and land, access to the decision that pertains to them and so forth. The next theme is deconstructing patriarchy.

Deconstructing Patriarchy

Purple Hibiscus and *Patchwork* present narratives of powerful men who dominate women in their lives. However, while powerful, wealthy and dominant, these men have flaws that eventually lead to their deaths before the end of the novels. Eugene and JS represent the typical father-figure egocentric men prevalent in African homes. Mathew Mutale Kang'ombe in a comparative analysis of *Purple Hibiscus* and *Patchwork* refers to the father figures of Eugene and JS as archetypal.[123] 'An archetypal is a typical character, an action, or a situation that seems to represent universal patterns of human nature.' [124] In other words, the portrayal

[123] Unpublished: MM Kang'ombe 'Comparative Analysis of Chimamanda Ngozi Adichie's *Purple Hibiscus* (2003) and Ellen Banda Aaku's *Patchwork*' Unpublished Master Thesis, University of Zambia 2017 38.
[124] 'Archetype' https://literarydevices.net/archetype/ (Accessed 1 January 2020).

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of the characters of Eugene and JS express them as symbols of patriarchy. Eugene and JS represent the general patterns of patriarchal men. Despite their differences in the way they operate patriarchy, they display the obvious and subtle versions of patriarchy. This means while Eugene is blatantly patriarchal to those around him, JS is understated but still patriarchal. Pumpkin only recognises that flaw in her father after his death. The death of both Eugene and JS signifies the death of patriarchy not only in the people whose lives it ruins but also as a system of governance. Eugene and JS's death leaves the women in their lives free to pursue other horizons they never envisage while these men were alive.

Although the novels at first glance seem like ordinary narratives of experiences of African women in their 'spaces', they also offer windows into the many faces of patriarchy from an African woman perspective. Still, on the same note, Rosamond S King explains that 'women writers, in fact often show us reflections that are so different to look at that some people don't want to see them at all.'[125] This means that some sections of society may not be comfortable with some of the themes explored in these novels. The novels offer perspectives on deconstructing patriarchy from the perspective of an African woman through unmasking its root and material that make it flourish. Religion is one such tool that feeds the root of patriarchy.

Religion as a tool of oppression

Religion is capable of harm and healing. Religion in *Purple Hibiscus* and *Patchwork* comes in the form of western religion, Christianity or Catholicism and traditionalism. Relevant to this study is the prevalence of men at the helm of religion, how that shapes and determines the place of African women in society. Adichie presents a contrast between Father Benedict and Father Amadi interpretation of Christianity.

Another religion portrayed is the traditional religion that Papa-Nnukwu believes and that his son Eugene despises. In contrast, Banda-Aaku uses a woman as a traditionalist that is the mother to Bee. Bee was friends with Pumpkin. Pumpkin, her mother and grandmother consult Bee's mother about the health of Pumpkin's mother. Banda-Aaku seemingly celebrates traditionalism rather than Catholicism.

[125] RS King 'African women, literature, language and culture' (2014) 4 2 *index communication* 79 at 80.

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Both *Purple Hibiscus* and *Patchwork* describe the power of religion over its followers. Colonialism encourages 'the good Christian wife' label promoting gendered Christian ideology that limited the power of African women.[126] Banda-Aaku seemingly questions the influence of Christianity over Mama T. Mama T struggles to assert and liberate herself from her philandering husband in her bid to be a good Christian woman. Gendered Christian ideology forces African women to remain in a subservient position to African men.

However, while colonisers use religion as a tool of oppression and control, the burden on African women is twice as much as that of African men. I discuss more this burden in the following section. Colonisers brought Christianity, which empowers and reaffirms African men as the head of the home encouraging male dominance in a patriarchy-ingrained society. [127] While JS in *Patchwork* does not adhere to Christian standards, his wife provides him with the opportunity to assert his male dominance because of her submission to a good Christian wife ethos. This scenario relegates African women further down the human hierarchy ladder as second-class citizens. In such a space, African women not only lose their identity and spirit but also lose their opportunity to speak. What was left, what is left and is continually left until there is a change in the space African women exist in, silence.

Silence and voice

Although *Purple Hibiscus* and *Patchwork* are from different geographical locations, they describe the prevalence of silence in an African home. Silence is a tool of control that patriarchy uses to stamp its authority in a place or system.[128] They illustrate silence and the absence of voice on issues that affect African women. Patriarchy takes the voice that African women should have. Eugene and JS use this tool to imprint their dominance on those around them. Furthermore, it is also interesting how there are so many depths to what silence is in the African home such that silence may be misconstrued as either acceptance or apathy. Ogaga Okuyade, in the examination of silence as a character in *Purple Hibiscus*, explains that as the story develops the various versions of silence unfold.[129] In that sense, Adichie opens

[126] N Erlank 'Gender and masculinity in South African nationalist discourse, 1912-1950' (2003) 29 3 *Feminists Studies* 653 at 656.
[127] N Erlank 'Gender and masculinity in South African nationalist discourse, 1912-1950' (2003) 29 3 *Feminists Studies* 653 at 656.
[128] O Okuyade 'Changing borders and creating voices: silence as character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African Studies* 245 at 248.
[129] O Okuyade 'Changing borders and creating voices: silence as character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African Studies* 245 at 248.

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up the narrative of what is silence in an African patriarchal space. What may be lacking is the purpose of this study is reveal the layers of why African women are silent, why does silence shroud their spaces, why are their voices muffled and most importantly how can those voices be heard above or equal to those of African men.

The silence of the church in the face of violence in Christian homes is questionable both novels demonstrate that. Mercy Oduyoye, a feminist theologian, laments the deafening silence from the church amidst so much violence against women and girls, she implores the church to wake up to its call while encouraging women to fight against violence.[130] Silence surrounds the sexual abuse of the girl BaDodo and Mwanza constantly preying on young girls at Tudu court with no repercussion.[131] Silence surrounds Totela, mother to Pumpkin when she struggles with alcoholism. Banda-Aaku reveals modern silences that are challenging to African women and their dangers. Silence is a breeding ground for domestic violence as often victims struggle to break out of the silence that embodies their abuse.

Gender-based violence (GBV)

The prevalence of gender-based violence in the African home specifically towards women and girls is an issue of serious concern to African women authors. Although GBV is a global concern, Adichie and Banda-Aaku show that certain conditions in an Africa home make GBV conducive. *Purple Hibiscus* and *Patchwork* as *bildungsroman* affirm that GBV is 'present throughout the lifetime of a woman affecting girls and older women too'.[132] Adichie and Banda-Aaku reveal conditions such as patriarchy, customary law, and culture, religion, and marriage myths to mention a few that makes African women and their homes vulnerable to GBV. In addition, both authors show that the family, community and state remain the sites of violence against women and girls in the advent of human rights. Furthermore, the same novelists show how an imbalance of power in relationships between African women and African men make them vulnerable to domestic violence. Adichie describes in detail the torture and violence that Mama and Kambili experience.

Purple Hibiscus and *Patchwork* demonstrate the imbalance of power in relationships that contributes to violence against women and children. Both writers reflect the lack of changes

[130] M Oduyoye, 'The Church of the Future, its Mission and Theology: A View from Africa' (1996) 54 4 *Theology Today* 494 at 500.
[131] E Banda-Aaku *Patchwork* (2011) 22.
[132] *Women's are human rights* (2014) 65.

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in attention to African women's issues post-independence. Despite all forms of violence against women in *Purple Hibiscus* and *Patchwork*, the community is silent on that violence. In a way, this legitimizes this kind of violence in a community as the norm and acceptable. Such gaps make African women and girls vulnerable even though laws and human rights exist. Subsequently, this research must draw out from the *Purple Hibiscus* and *Patchwork* the possible reasons why law and human rights have not been successful in challenging the insurmountable challenges that confront African women.

Body politics

The final yet important is the portrayal of body politics in *Purple Hibiscus* and *Patchwork*. Critical to feminist advocates is the struggle for women to acquire the right to control their bodies.[133] As with all themes I discuss, at the core of body politics is the identity of who controls African women's bodies. What is the relationship between whoever controls those bodies and African women? Another question to ponder about body politics is the effect of that control on African women's worldview and themselves. The novels paint scenarios that invite the reader to relook at characterisation and the relationships reflected in the novels. In other words, relooking at characterisation, how fictional characters are depicted in a novel may reveal power imbalance, human character and motives. *Purple Hibiscus* and *Patchwork* offer alternative relationships of strong women who withstand the equally strong men in their lives. Even if that were the case, the challenge remains that why should the strength of African women be necessary in a relationship or in a determination of what to do with their bodies.

In *Purple Hibiscus* from the onset, Mama and Kambili have little control over their bodies. Seemingly, Eugene does as he wills with Mama's body as she has recurring miscarriages after severe beatings from him. Bibi Bakare-Yusuf, addressing nudity and morality as tools of legislating women's bodies in Nigeria, explains that women's bodies have become sites to project social insecurities about women's sexuality.[134] The deliberate link of the body to religious morality not only plays on the psyche of the African woman but also forces her to fit into the patriarchal mould. Alternatively, African women's bodies become property or an object that the owner manipulates at will.

[133] b hooks *Feminist theory from margin to center* (1984)52.
[134] B Bakare-Yusuf 'Nudity and morality: legislating women's bodies and dress in Nigeria' in S Tamale (ed) *African sexualities: A reader* (2011) 116 at 117.

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Patchwork seemingly shares the same outlook as *Purple Hibiscus* on body politics thus demonstrating how JS carelessly uses women's bodies for his enjoyment with little regard for their feelings. Anke Bernau in *Virgins A Cultural History,* explains that in medieval times the male body was naturally associated with conquering and governance and 'closed' as compared to women whose bodies are open to penetration.[135] Throughout the novel, JS perpetuates this school of thought of women's bodies as sites to conquer. JS has problems with respecting women's bodies and objectifying them.

3.4 PURPLE HIBISCUS AND *PATCHWORK* REVELATIONS ABOUT THE LIVES OF AFRICAN WOMEN

Purple Hibiscus and *Patchwork* (see Appendice A) as postcolonial works reflect and dwell on the experiences of African women during the postcolonial era. In addition, they reveal the extent of the never-ending colonial and patriarchal control and influence over African women. African societies have infused and normalised in the cultural fabric the patriarchal and colonial influence. Nana Wilson-Tagoe, in the study on the African novel and the feminine condition, confirms that postcolonial texts like *Purple Hibiscus* and *Patchwork* can open up 'individual locations of struggle and desire and provides a flexible and discursive space for relating to the collective in new ways.'[136] In other words, without a deliberate investigation into the individual-specific experiences of African women, the challenges that beset them as a whole may never find possible solutions. *Purple Hibiscus* and *Patchwork* seemingly responds to Adichie warning regarding 'the danger of a single story', especially on what justice is and implies for African women.[137] The narrative that identifies and locates the place of African women in society is a 'single story'. This 'single story' creates stereotypes, misjudgements, in conclusions about African women.[138] Beyond that, operating from a 'single story' context deprives the opportunity of depth understanding of the actual issues at hand. Colonialism[139], patriarchy[140], harmful African traditions, religions, law, human rights, education and many other ideological tools may be operating from a single story perspective.

[135] A Bernau *Virgins a cultural history* (2007) 137.
[136] N Tagoe-Wilson "The African novel and the feminine condition' in A Irele (ed) *The Cambridge companion to the African novel* (2009) 177 at 177.
[137] CN Adichie 'The danger of a single story' https://www.ted.com/search?q=The+danger+of+a+single+story (Accessed 13 May 2019).
[138] B Coulibay '(Re)Defining the self' in M Nwosu & Obiwu (eds) *The critical imagination in African literature: Essays in honour of Micheal JC Echeruo* (2015) 94 at 106.
[139] S Cheruvallil-Contractor *Muslim women in Britain: De-Mystifying the Muslimah* (2012) 4.
[140] S Cheruvallil-Contractor *Muslim women in Britain: De-Mystifying the Muslimah* (2012) 4.

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This takes away the voice, the power for African women to tell their stories on their terms.[141] This study aims to offer possibly an alternative to the single story about African women even though the danger is there to create another single story about African women. While it is easy to assume all women encounter the same injustices, it is equally important to recognise that African women are not a homogenous group as such have challenges unique to them. The idea of homogeneity resonates with the narrative of modernity. In Chapter 2, I give a detailed examination of the concept of modernity.[142] However, what is evident is that homogeneity tends to absorb the voices of African women who reside in the margins. Postcolonial feminists recognise this and advocate for subversion and tangible change politically, culturally and economically.[143] In addition, postcolonial feminists champion the exchange of knowledge from the centre to the margins and from the margins to the centre.[144] African female written literature provides a platform that exposes the lives of African women that the centre overlooks. Women human rights groups tout various rights and laws in an attempt to seek justice for African women but I argue that unless the challenges specific to African women are exposed, justice is not realised.[145] *Purple Hibiscus* and *Patchwork* represents the various African women of all ages and stations and exposes their challenges, therefore, giving another interpretation to their predicament.

3.4.1 Safe family haven irony

Generally, a society recognises a family home as a safe space. The definition of safe space depends on the disciplinary domain. Firstly, the United Nations Population Fund (UNFP) defines a safe space as a place where women feel physically and emotionally safe.[146] In addition, at the core of 'safe space' is the absence of trauma, excessive stress, violence (or fear of violence), or abuse.[147] The ideal home must be free of any form of abuse. In particular, African women must enjoy the right to physical and emotional safety within the home. Reality as shown in *Purple Hibiscus* and *Patchwork* that is not the case. Secondly,

[141] B Coulibay '(Re)Defining the self' in M Nwosu & Obiwu (eds) *The critical imagination in African literature: Essays in honour of Micheal JC Echeruo* (2015) 94 at 98.
[142] See chapter 2 section on Making sense of modernity.
[143] S Parashar 'Feminism and Postcolonialism: (En)gendering Encounters' (2016) 19 4 *Postcolonial Studies* 371 at 371.
[144] b hooks *Feminist theory from margin to center* (1984) ix.
[145] S Tamale 'The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007) 148 at 155.
[146] UNFPA 'Women and girls safe spaces' https://www.unfpa.org/resources/women-girls-safe-spaces-guidance-note-based-lessons-learned-syrian-crisis (Accessed 31 March 2020).
[147] UNFPA 'Women and girls safe spaces' https://www.unfpa.org/resources/women-girls-safe-spaces-guidance-note-based-lessons-learned-syrian-crisis (Accessed 31 March 2020).

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marginalised groupings such as Lesbian, Gay, Bi-Sexual and Trans-Sexual (LGBT) women, persons with disabilities in society use the term safe space to advocate for neutral space within gendered or dominant spaces. A neutral space that is free from preconceived assumptions that may hinder one from expressing themselves safely. From that point of view LGBT, women and persons with disabilities seek a space that will not judge them based on ill-conceived ideas. The queer, non-racists and feminists advocates for a 'separatist' space.[148] Seemingly, Adichie and Banda-Aaku are not pursuing a separatist space but a space that allows African women to flourish along with African men.

Understanding safe space

At the centre of safe spaces, the argument is the power dynamics that exist and determine the use of that space. Patriarchy gives African men the right to dominate the space within the home. It means the neutral space becomes a masculine space that is toxic to feminine presence. Jina Fast in her phenomenological account of defending safe spaces explains that dominant spaces are purposefully constructed as a safe space for those in power while making the marginalised unsafe in those spaces.[149] The power patriarchy generates for African men translate into how they utilise those spaces in a manner that affects African women. Ultimately, patriarchy feeds into inequality between men and women. African women as the marginalised in the space African men occupy either have to conform to that space or flout it. Sadly, either position African women forcibly take has grave consequences.

In contrast, Fast discourages the use of binaries in discussing safe space.[150] If there is a safe space, it follows that there is an unsafe space. Fast believes that safe spaces can never be completely safe. Fast promotes safe spaces as sites for 'negotiating difference and challenging oppression'.[151] The view that Fast holds while relevant in some parts of society and the world, for African women there is an urgency to define clearly what the safe spaces are and who holds the power in those safe spaces. Upending the patriarchal tendencies in the home that create a violent space can only be possible if the identity and root of the power are clear. It is important to note who those safe spaces are for and for what benefit. Without clearly identifying the family home as a safe space for African women, there is a possibility

[148] J Fast 'In Defense of Safe Spaces: A Phenomenological Account' (2018) 39 2 *Atlantis* 1 at 2.
[149] J Fast 'In Defense of Safe Spaces: A Phenomenological Account' (2018) 39 2 *Atlantis* 1 at 2.
[150] J Fast 'In Defense of Safe Spaces: A Phenomenological Account' (2018) 39 2 *Atlantis* 1 at 2.
[151] J Fast 'In Defense of Safe Spaces: A Phenomenological Account' (2018) 39 2 *Atlantis* 1 at 2.

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that the family home will remain a site of violence against African women. Identifying the safe space enables African women to be able to access justice.

Maureen A Azuike, examines the struggles of African women during independence, enlightens that Beatrice in *Purple Hibiscus* 'found out in stupefaction, that women are more abused and more reviled in the sanctuary of their own home and by the people, they love most.'[152] In addition, Paula Meth, in the study of gender, violence and safe cities, confirms that when society fails to recognise the home space as a real site of fear of crime is problematic.[153] Beatrice, like many African women, is aware of threats of violence outside her home, from strangers. The abuse from her husband and the *umunna* did not make sense to Beatrice. It also did not make sense to Kambili that her home has so much violence. Therefore, Adichie and Banda-Aaku must challenge the notion of a family home as a safe space for African women and children. Sadly, it is in the 'safe' spaces where abuse of African women occurs and unfortunately with little intervention from the law. A home is supposed to be a space where African women can be secure without fear of harm from those who share their space. Tamale writes that human rights place more emphasis on the state and not individuals to uphold human rights.[154] The state is a major violator of human rights.[155] Put simply, in as much as the focus is and has been on how the state commits human rights abuse, society must give even greater attention to human rights abuses that private actors commit. Adichie and Banda-Aaku prove the glaring differences between the family home experiences of African males and African females. What is even more tragic is if the African male is chauvinistic, power hungry like Eugene in *Purple Hibiscus*, and JS in *Patchwork*. Both men never face the law for the injustices against the women in their lives. Tamale sheds light on this escape from the law and explains that colonial laws in most African countries did not encompass the private space, therefore; it was the duty of indigenous customs and culture to charge these men for the abuse.[156] The novel demonstrates how indigenous customs and culture in the symbol of the *umunna*, the patriarchal Achike elders control everything within

[152] MA Azuike 'Women's Struggles and Independence in Adichie's *Purple Hibiscus* and *Half of a Yellow* Sun' (2009)3 4 *African Research Review* 79 at 82.
[153] P Meth 'Gender, violence and 'safe cities'' in L J Shepherd (ed) *Handbook on Gender and Violence* (2019) 320 at 323.
[154] S Tamale 'The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007) 148 at 155.
[155] S Tamale 'The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007)148 at 155.
[156] S Tamale 'The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa' in A Zia & B Kahora *Sex Matters* (2007) 148 at 155.

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that clan. What is defeating for Beatrice is that the Achike *umunna* is afraid to rebuke Eugene over his abusive tendencies. Eugene as the clan provider, the *umunna* would not dare rebuke him. No one kills the goose that lays golden eggs. Therefore, the Achike home is not a safe space for Beatrice and she has no hope for relief legally or culturally. *Purple Hibiscus* and *Patchwork* as postcolonial texts point to the relic, debilitating colonial laws that were absorbed into the independence era that distressed African women like Beatrice from seeking justice.

Eugene operates his family like a military camp. Eugene thoroughly times, monitors and evaluates everything. At the core of the behaviour, Eugene displayed is power. This power translates into law in the Achike household. Eugene regulates the Achike world. In other words, Eugene and the law were synonymous. As law purports to regulate the world so did Eugene. Beatrice and her children do as Eugene says. The god-like disposition that Eugene has resonates with philosopher Friedrich Nietzsche views on the law as divine, perfect, complete.[157] Put differently, like law Eugene believed his word as God inspired giving it divine qualities. Divine qualities absolved what Eugene decreed from imperfection and incompleteness. In the Achike household, like law, no one questions Eugene. This declaration comes from the self-grounding character of modern law that I examine extensively in chapter 2. The self-grounding of law gives it the confidence to remain aloof from scrutiny.

An interesting parallel that reflects Eugene's control is Nietzsche's observation of law successful operation being dependent on its ability to permeate all things that become part of that life.[158] Eugene consolidates his power through his wealth and influence. He donates at his church, at the schools; his children attend, to his *umunna*, and in-laws. All those spheres of influences Eugene has power over reproduce a toxic masculine space that makes it impossible for Beatrice or Kambili to thrive. Eugene creates a culture of terror in his home such that fear even grips his family when they leave their 'safe' space for Nsukka. Eugene so conditions his family that they considered the unsafe space of their home 'safer' than outside. Just as the power of the law reverberates through the jurisdiction it regulates is the power that Eugene brandishes over his family. The terror that Eugene reins in his family accompanies them especially in the spaces that he has stamped his authority.

[157] C Douzinas & A *Geary Critical jurisprudence: The political philosophy of justice* (2005) 53.
[158] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 53.

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One particular incident is when after Mass, the Achike family visits Father Benedict, their white priest. Mama feels sick and does not want to leave the car.[159] When they return home, Papa beats Mama until she has a miscarriage.[160] There are several incidents where abuse takes place in the Achike home and legally nothing happens to Eugene. Mama gets medical attention but no one at the medical facility bothers to notice or question the signs of abuse and the number of times her miscarriages have occurred. The novel mocks Eugene as she questions, in my opinion, the relevance of human rights in affording justice to those struggling within the private space, the family home.

In juxtaposition, Adichie presents another home that is at Aunt Ifeoma in Nsukka. She is a widow with three children that she fends for with little or no help from her brother, Eugene. At one point, Aunt Ifeoma does discuss with her sister in law, Beatrice how often her brother had tried to control her and her safe space. Aunt Ifeoma resists Eugene's attempt to invade her safe space when he offers to buy her a new car in exchange for her joining Knights of St John and stopping wearing makeup.[161] At Knights of St John, Eugene already had influence through the donations he makes. For Eugene to ask Aunt Ifeoma to stop wearing make-up is tantamount to taking away her right of choice and freedom to present herself as she sees fit. Beatrice and her children talk at liberty at Aunt Ifeoma but they only arrive at that position after so much coaxing from Aunt Ifeoma. In my view, Adichie presents the two homes to show the power of love in creating a safe space. Although Aunt Ifeoma has strong views about politics, men and women's rights, she still allows her children and those who enter her space to express themselves freely. Even as an adult, her children give her the respect she deserves as a parent, not because she is a tyrant. Kambili notices all the differences that exist between her home and that of her Aunt. With that in mind, I agree with Narnia Bohler-Muller in her analysis of the law of the father from a South African context notes that books have narratives that kindle the imagination and grants readers the opportunity to 'consider alternatives lives and futures.'[162] What this means is much is unknown of the lives of African women that books reveal to the reader. *Purple Hibiscus* and *Patchwork* inspires the reader to imagine the dangerous spaces that Kambili and Beatrice call home. These novels invite the reader to imagine the possibilities of space that are free from harm and pain. Therefore, the

[159] CN Adichie *Purple Hibiscus* (2010) 9.
[160] CN Adichie *Purple Hibiscus* (2010) 9.
[161] CN Adichie *Purple Hibiscus* (2010) 95.
[162] N Bohler-Muller 'The law of the father, emotions and equilibrium' (2006) 21 *SA Publiekreg/Public Law* 301 at 301.

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juxtaposition of the spaces that Beatrice and Ifeoma occupy invites the readers to re-examine the idea of a family home as a safe space for African women and girls. Ultimately, the creation of safe home spaces for African women is heavily dependent on the dismantling of patriarchy. Dismantling patriarchy is an ambitious call but one of the most effective ways of doing that is to allow marginalised voices of African women to sound.[163] Patriarchy thrives in a silent environment. The next challenge that *Purple Hibiscus* and *Patchwork* reveal is the sound of silence that is prevalent in the African home and spaces that African women exist.

3.4.2 Listening to silence

Purple Hibiscus maps the relationship between patriarchy and silence in African women. Adichie answers questions such as why are African women silent, when will African women speak, who can hear African women? Laura J Shepherd mapping the challenge of gender and silence in society notes that researchers should question who has the right to speak, for whom and what.[164] Seemingly, Adichie and Banda-Aaku navigate the questions that Shepherd examines through their representations of female and male characters. It is also critical to follow how silence is a language of communication for African women. Shepherd emphasises the need to examine the production of that silence.[165] The examination of the construction of silence should reveal its perilous patriarchal foundations. I hope that tracing the path of silence will expose how society has conditioned African women to use silence as a language.

Postcolonial female written texts like *Purple Hibiscus* and *Patchwork* affords an understanding of unrecorded spheres of experience and invalidates typical notions.[166] This implies these texts challenge erroneous preconceived ideas about African women that grander narratives perpetuate. These erroneous preconceived ideas for example include African women sexuality and reproduction; that they are insatiable, that they do not feel pain during birth, immoral, exotic and countless other depictions.[167] Several postcolonial feminist studies show that colonial texts did not pay much attention to African women experiences. For example, Elleke Boehmer, who presents a comprehensive account of both the literature of the

[163] B Yanikayya 'A voice of her own: Tiny stories and the politics of women's agency' in B Yanikayya & AM Nairn (eds) *Multidisciplinary perspectives on women, voice, and agency* (2021) 1 at 19.
[164] LJ Shepherd (ed) *Handbook on Gender and Violence* (2019)181.
[165] LJ Shepherd (ed) *Handbook on Gender and Violence* (2019)181.
[166] T Doring *Postcolonial literature in English* (2008) 65. I apply Postcolonial female written texts because some female authors although postcolonial refuse to identify as feminist or their work as feminist.
[167] S Tamale 'Researching and theorizing sexualities in Africa' in S Correa and others (eds) *Sexuality and politics: Regional dialogues from the global south* (2011) 16 at 22.

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British Empire and the literature in opposition to empire, confirms that colonial literature focused on the superiority of European culture and the justification of the empire.[168] After independence from colonial rule, the focus turned to nation-building such as in Zambia with the slogan One Zambia, One Nation'.[169] Firstly, postcolonial female written texts such as *Purple Hibiscus* and *Patchwork* provide a tangible record of experiences of African women that colonial and patriarchal driven agendas ignore. Secondly, postcolonial female written texts have the opportunity to debunk myths and false beliefs about African women such as their sexuality, womanhood, marriage and other key issues. Finally, yet importantly, postcolonial female written texts give the opportunity not only to rewrite the history and stories of African women but also to resist colonial views on African women. Boehmer expands that postcolonial literature 'forms part of the process to overhaul.'[170] In short, what Boehmer proposes is a renovation of ideologies about African women that Enlightenment, colonialism and patriarchy use as a tool to silence them. To strip down colonial influenced systems that continue to silence African women, *Purple Hibiscus* and *Patchwork*, challenge labels about African women recorded in different narratives. I agree with Trinh Minh-Ha, whose work explores the boundaries and realities of non-western women writers, therefore, explains that not all historical accounts are always truthful and stories are not just fiction.[171] Minh-Ha maintains those stories though not usually factual, they are frank in character and contain massive unending astuteness.[172] The sentiments from Trinh return the discussion of what, who and whom is the truth. However, critical to understanding the observations from Minh-Ha is that colonialism as an affiliate of modernity with roots in the Enlightenment period in eighteenth-century Europe presented a prejudiced image of African women. Enlightenment, as an age of reason, promoted using reason and rationality to progress in life. However, the same Enlightenment rationale brands the image of a woman as weak, dependent and a home dweller.[173] However, there is an argument that suggests an improvement of the conditions of women during the Enlightenment period as works such as that of Mary Wollstonecraft is proof of women as equally capable as men to receive an

[168] E Boehmer *Colonial & postcolonial literature* (2005) 3.
[169] ME Kashoki *Nation building in the Context of 'one Zambia one nation'* (2018) 2.
[170] E Boehmer *Colonial & Postcolonial literature* (2005) 3.
[171] MT Trinh *Woman, narrative, other: Writing postcoloniality and feminism* (1989)120-121
[172] MT Trinh *Woman, narrative, other: Writing postcoloniality and feminism* (1989)120.
[173] W Bristow 'Enlightenment' https://plato.stanford.edu/entries/enlightenment/ (Accessed 14 October 2020).

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education that matches their station in the society.[174] Another view is that Enlightenment enabled women (well to do) to meet in homes of well do people to discuss literature, music, science in salons.[175] Still, those salons were limited to aristocracy and the wealthy.[176] However, Wollstonecraft did not entirely advocate for equal rights for women, although some scholars recognise her work as a foundation for women's rights. Since Enlightenment encouraged men to explore themselves, colonialism became one avenue that Europe took to progress. Colonialism transferred and replicated the Enlightenment ideals of a woman to the colonies. Enlightenment ideas and values surface in colonial literature, laws, education, religion and many others. Therefore, it is important to debunk narratives about African women that Enlightenment modernity created. The uncertainty of truth forces an engagement with alternative narratives on justice for African women. Therefore, in the silence that surrounds African women, it is imperative to reflect on Adichie and Banda-Aaku interpretation of silence within a relevant context.

Defining silence

What is silence and why is it critical in mapping the road to justice for African women. Pauline A Uwakweh, in an account of deconstructing patriarchy through the voice of liberation, defines it as:

> Silencing comprises all imposed restrictions on women's social being, thinking and expressions that are sanctioned religiously or culturally. Dominant male structure uses the patriarchal weapon of control on the subordinate or muted female structure.[177]

Uwakweh points to silence as an act of placing limitations on the freedoms that African women should enjoy. Uwakweh points to inequality that exists between African males and African females. The imbalance in this relationship that patriarchy aides and is cultural and religious driven further creates an environment that stimulates silence. Ogaga Okuyada, writing from a postcolonial view of silence in *Purple Hibiscus,* enlightens silence as the dearth of female position on critical issues 'colonialism, decolonisation, women's rights and

[174] JR Martin 'Mary Wollstonecraft 1759-97' in JA Palmer Cooper (ed)*The Routledge encyclopaedia of educational thinkers* 77 at 79.
[175] J Hurl-Eamon *Women's roles in the eighteenth century Europe* (2010) 92.
[176] J Hurl-Eamon *Women's roles in the eighteenth century Europe* (2010) 92.
[177] PA Uwakweh 'Debunking patriarchy: The liberational quality of voicing in Tsitsi Dangarembga's *Nervous Conditions*' (1995)26 1 *Research in African Literatures* 75 at 75.

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more direct social and cultural issues.'[178] The lack of a female voice during the colonial era was acceptable. European women colonisers did not have much say in the politics of the colonies. It was acceptable that they stay in the foreground and pay attention to making a good home for the European male coloniser.

Grace Adeniyi-Ogunyankin, writing about exclusionary gendered politics in Nigeria notes that as Victorian gender relics.[179] This implies ideologies of exclusion of women as outdated. This same pattern of excluding African women continues as the ideology of nationalism took up at African independence. However, even the African male authors who had the privilege to write still marginalised their African women characters and issues in their novels.[180] The full realisation of the rights of African women can only be possible if there is an open dialogue to facilitate this process. An open dialogue levels the ground and opens avenues that are the preserve of the African males. Furthermore, Okuyada elaborates that voicelessness means a silence where African women are incapable of expressing their opinion in the 'language of the 'master'' as well as the textual construction of women as silent.[181] Okuyada specifies the lack of skill in the use of the language of the master to convey their opinion. The assumption is African women have to learn to speak out their opinions after years of oppression from patriarchy, colonialism, culture, and religion. The language of the master echoes colonialist references where the colonised had to learn the language of the coloniser to express their opinion. There are glaring similarities in the systems of patriarchy and colonialism specifically that both systems thrive, operate, and cease existence. For example, silence and violence define both patriarchy and colonialism. Patriarchy violently conquers women's bodies, the same way colonialism usurps lands. The language of war is a determination to be unsilenced under any circumstances that may cease the existence of patriarchy. Much as that is the case Audrey Lorde refutes the use of the tools of the master.[182] Lorde believes the use of these apparatuses will not pave the way for an authentic difference in the system.[183] While her concerns are meaningful, the extent to which African women need

[178] O Okuyade 'Changing Borders and Creating Voices: Silence as Character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African Studies* 245 at 248.
[179] G Adeniyi-Ogunyankin '"*Spare Tires*" "*Second Fiddle*" *and* "*Prostitutes*"?' (2014) 4 *Nokoko* 11 at 13.
[180] S Newell *Oxford studies in postcolonial literatures* (2006)138.
[181] O Okuyade 'Changing Borders and Creating Voices: Silence as Character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African Studies* 245 at 248.
[182] A Lorde "The Master's Tools Will Never Dismantle the Master's House" in *Sister Outsider: Essays and Speeches* (1984) 112.
[183] A Lorde "The Master's Tools Will Never Dismantle the Master's House" in *Sister Outsider: Essays and Speeches* (1984) 112.

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to find a voice is such that any avenue that comes is a step in emancipation. Textual construction of African women as silent emphasises the context, content and visibility. Context refers to what environment are the African women placed in a text. Does this environment allow her to flourish and make a meaningful contribution to her society? Content is wide but includes what meaningful contribution does the female character make to the story and how is she described in the story. Ulka Anjaria, gives context to the narrative politics of silence, consequently, explains that the dearth of a progressive and complex female voice is another layer of silence in literature.[184] This explains why this study relies on postcolonial African female written novels to reflect on challenges affecting African women. It becomes important to examine what part of the story is the African female in the story? In the text, how visible are African women? Visibility could be in what African women say, what they do and what they think. Finally, voicelessness means a verbal expression that goes unheard.[185] In short, the descriptions of what silence is; African men impose silence on African women through the institution of patriarchy that is rooted in culture, religion, and other ideological tools that patriarchy infiltrates.

Mapping silence

Adichie and Banda-Aaku do show throughout their stories the effect silence has not only on African women but also on their dependents. Silence did not only affect Beatrice in *Purple Hibiscus* but it also affected her children, Kambili and Jaja. Totela in *Patchwork* her silence affects Pumpkin her daughter which in turn affects her children as well. It is critical to note the intergenerational impact of silence among African women against their pursuit of justice. Intergenerational silence means that abuse perpetuates through several generations until it becomes the norm and acceptable in that society. Once that abuse is acceptable it becomes part of the culture of that society. Ava Kanyeredzi, presents a comprehensive description of Black women experiences of violence and abuse, and observes that at the centre of continuum abuse is the culture of silence that shrouds the lives of black women.[186] In addition, these black women when confronted with accusations of abuse in their homes deny

[184] U Anjaria 'Why don't you speak?': The narrative politics of silence in Senapati, Premchand, and Monica Ali' in SP Mohanty (ed) *Colonialism, modernity and literature* (2011) 153 at 155.
[185] O Okuyade 'Changing Borders and Creating Voices: Silence as Character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African* Studies 245 at 248.
[186] A Kanyeredzi *Race, culture, and gender: Black female experiences of violence and abuse* (2018) 47.

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that it exists.[187] I find that this denial is closely linked to years of trauma and fear of loss of that 'security' blanket that the abuser 'provides'.[188] Furthermore, men manipulate black women into accepting silence with the threat of loss of income, shelter, access to children among others.[189] In *Purple Hibiscus,* Beatrice chooses not to confide in the prayer group of women from church. She pretends all is well in her home. As Kanyeredzi mentions, the shame associated with abuse silences Beatrice. Beatrice unconsciously transfers the same attitude of silence to Kambili. Kambili mirrors the behaviour her mother shows. Not only does Kambili carry trauma from her mother but she also carries her trauma too. The silence and the abuse are normal to Kambili until she visits Nsukka.

Literary theorist and feminist critic, Gayatri C Spivak, succeeds to locate the context of the silence of African women. Spivak's postcolonial works find a correlation between silence and colonialism and between silence and patriarchy.[190] In other terms, the systems of colonialism and patriarchy operate better under conditions of silence. Both *Purple Hibiscus* and *Patchwork* demonstrate the nexus involving colonialism, patriarchy and silence as antagonists Eugene in *Purple Hibiscus* and JS in *Patchwork* operate under silence, were both colonial missionaries educated. This implies colonial missionary education indoctrinated the values and practises of colonialism, patriarchy and silence into Eugene and JS.[191] Historian John McLeod in the reading of colonial discourses notes that colonialism creates ways of thinking by encouraging people to adopt its rationality, speak its language to preserve the 'values and assumptions of the colonisers' view of the world.[192] Eugene and JS use their education as a reference point of power and affirmation. The British system of education as signified by the '… black lion standing on its hind legs, tail curved upward, chest puffed' with the inscription on its dais "To restore the dignity of man" as the University of Nigeria motto is a mirror image of both Eugene and JS. Eugene and JS believe that British education has restored their dignity; therefore, they can puff up and stand on their hind legs to prove masculinity and authority.[193] Dignity and pride echo Enlightenment values that encouraged

[187] A Kanyeredzi *Race, culture, and gender: Black female experiences of violence and abuse* (2018)47.
[188] DH Conner 'Financial *freedom: Women, money, and domestic abuse*' (2014) 20 2 *Willian and Mary Journal of Women and the Law* 339 at 340-341. See also D Dipio *Gender terrains in African cinema* (2019) 132.
[189] A Kanyeredzi *Race, culture, and gender: Black female experiences of violence and abuse* (2018)82.
[190] GC Spivak 'Echo' in D Landry & G Mcclean (eds) *The Spivak Reader: Selected works of Gayatri C Spivak* (1996) 175 at 188.
[191] I discuss the relation between colonialism, silence, and education later in this chapter.
[192] J McLeod *Beginning colonialism* (2010) 20-21.
[193] CN Adichie *Purple Hibiscus* (2010) 112.

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men to self-realize through education to prove their worth as part of society.[194] British colonial education created an egoist and dominant African man.[195] It is not obvious to Eugene and JS that the British education system may have socialised them to behave and see things in a certain way.

I relate colonial education to silence and patriarchy and colonialism because education was a tool the coloniser used to prescribe and regulate the behaviour of the colonized. Colonial education was a tool for modernising the savage Africans. Colonial education became the preferred form of truth for the coloniser and colonised. Of a truth, Foucault notes that it has a circular relation with systems of power.[196] In other words, truth and power co-exist. An individual, who has the truth, also has the power as long as oppressive systems perpetuate that truth.

During the colonial era, African women were at the rear of education. Colonial formal education included male-centred philosophies that fuelled the belief that boys would benefit more from it than girls.[197] Therefore, enlightened colonial education did indeed have an impact on the image of African women in the home. While African traditions and cultural aspects have an impact on the voice of African women, colonialism further exacerbated the situation. Boehmer confirms this notion that British colonialism 'interrupted family relations and community structure' in preference for their coerced versions of family and community, which destroyed 'female organisations that allowed more power and autonomy to (African) women.'[198] Colonial modernity disrupted systems in Africa that acted as safeguards for African women. In general, cultural modernity subscribes to a universal belief that tends to superimpose itself over those on the margins. The novels do not deny the importance of education but they reflect on how even educated women such as Gloria and Aunt Ifeoma are 'silent'. Aunt Ifeoma complains to Beatrice how educated African women with their degrees at the end of the day, their husbands own them.[199] If the education of African women is the

[194] J Robertson *The Enlightenment: A Very Short Introduction* (2015)106.
[195] NN Mhango *Decolonising colonial education: Doing away with relics and toxicity embedded in the racist dominant grand narrative* (2018) 107.
[196] Truth and Power' http://www.soc.duke.edu/~jmoody77/TheoryNotes/Foucault.doc (Accessed 20 May 2019).
[197] MA Azuike 'Women's Struggles and Independence in Adichie's *Purple Hibiscus and Half of a Yellow* Sun' (2009) 3 4 *African Research Review 79* at 81.
[198] E Boehmer *Stories of women: Gender and narrative in the postcolonial nation* (2005) 203.
[199] CN Adichie *Purple Hibiscus* (2010) 75.

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answer to challenges affecting them then why are educated African women 'silent'. I refer to Spivak's examination of silence and patriarchy.

Spivak writes of 'the suppressed or silenced peasantry' in this case the African women as exemplified in the characters of Beatrice, Kambili, Aunt Ifeoma in *Purple Hibiscus* and Mama T, BaDodo, Sissy, Totela in *Patchwork.* Earlier on in the introduction to this chapter, I refer to the effect of colonialism on African women; Spivak couples that with patriarchy to explain the silence of African women.[200] She explains that considering patriarchy, imperialism, the woman fades into nothing as she straddles cultural customs and modernization.[201] In short, Spivak enlightens that African men silence African women in their families as does sexism and racist colonialism. In addition, cultural customs, and modernization further silence African women as they cannot or do not know where they belong with everyone. The western form of modernity is a hybrid of conflicting ideas, customs, past experiences and other unachievable illusions such that African women who have faced colonialism, racism, patriarchy, it is a burden to negotiate through it.[202] Boehmer asserts that the space from which women speak is 'always on the move, crisscrossed by the conflicting and shifting discourses….'[203] This implies the space that men and women speak from is markedly different. The territory from which men speak is conducive and comfortable for them to speak. On the other hand, women cannot use the same territory because they occupy the margins. Hindering the move from the margins to the centre is various religious, cultural, and social conversations that are rooted in patriarchy. If at all African women speak, they always have to be aware of the changes happening in these territories. Adichie and Banda-Aaku reveal the difficulties of the journey African women must take from silence to emancipation. Since both *Purple Hibiscus* and *Patchwork* are *Bildungsroman*, they offer insights into the psyche of the female characters through each stage of life and the role silence plays at those stages.

There is an easy silence of Beatrice and Kambili in *Purple Hibiscus* at Enugu until they visit Nsukka. Nsukka signals a shift in what is acceptable as silence for Beatrice and Kambili. In Nsukka, after experiencing life with Aunty Ifeoma, they realise that their silence was wrong.

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[200] R Tyagi 'Understanding Postcolonial Feminism in relation with Postcolonial and Feminist Theories' (2014) 1 2 *International Journal of Language and Linguistics* 45 at 3.
[201] GC Spivak "Can the subaltern speak" in P Williams & L Chrisman (eds) *Colonial discourse and postcolonial theory* (2013) 66 at 102.
[202] DP Gaonkar (ed) *Alternative modernities* (2001)15.
[203] E Boehmer *Stories of women: Gender and narrative in the postcolonial nation* (2005) 213.

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In Enugu, at the dinner table, Eugene controls the conversation while Beatrice and her children agree with him. In the incident that Kambili narrates under the 'Breaking Gods', Eugene is a symbol of patriarchy as he controls the conversation in his family reflecting the power imbalance. Uwakweh clarifies patriarchy as simply male power over the female.[204] Eugene at the silent table requests Beatrice to serve the cashew juice that he produces from his factory. Beatrice requests Sisi to bring the cashew juice from the kitchen. Kambili notes its dull and watery taste although she decides to say it tastes good. Her mother suggests it tastes like fresh cashew. In contrast, Eugene agrees with Kambili but ignores the observations of his wife.[205] Eugene could not be bothered about his wife and her opinions. Eugene creates an environment that keeps him as the source of knowledge, value and morality. Douzinas and Geary explain that knowledge suppresses the idea of divergent views on knowledge and value systems opting for a codified and simplified world.[206] Discounting opinions from Beatrice guarantees that Eugene maintains tyrannical power over his family. This scenario allows the abnormal to become normal as only the knowledge, values and morals from Eugene are relevant. Douzinas and Geary confirm that discipline thrives on normalisation.[207] The persistence of the norm later becomes the norm of law and morality.[208] In addition, the value system Eugene applies hinges on the power he exerts rather than good therefore promoting a hostile environment in his home. Eugene values power, fear, and silence which patriarchy perpetually affords him. Beatrice values her family, her religion and culture but under those values is the fear that drives them. Eugene is more bothered about getting a response from Jaja who had already irritated him by not going for communion.[209] Eugene is bothered about Jaja because his 'misbehaviour' allows him to show his strength as the father of the house and a disciplinarian.

The sentiments of Spivak on the subaltern women are reflected in the conversation between Beatrice and her husband. Beatrice spoke but Eugene did not 'hear' her because his frame of reference considers her a woman who should be seen and not heard. In addition, Spivak explains that 'the other did not how to listen, how to enter into a transaction between speaker

[204] PA Uwakweh 'Debunking patriarchy: The liberational quality of voicing in Tsitsi Dangarembga' s *Nervous Conditions*' (1995)26 1 *Research in African Literatures* 75 at 78.
[205] CN Adichie *Purple Hibiscus* (2010)12.
[206] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 51.
[207] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 55.
[208] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 55.
[209] CN Adichie *Purple Hibiscus* (2010) 3.

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and listener.'[210] Spivak implies a loss of a relationship that could facilitate an equal dialogue between the speaker and listener. I emphasize equal dialogue because Eugene does not view Beatrice as an equal partner in their relationship. Equal treatment without discrimination in Beatrice and Eugene's marriage means that all transactions between them are in favour of Eugene. The conversation between them reveals that Eugene is the 'adult' while Beatrice is the 'child'. Patriarchy reinforces the inequalities that exist in the Achike marriage. Sophie Namy and others in a study that sought a feminist understanding of intersecting violence against women and children certify that patriarchy encourages a social scale that places men at the top and women and the children at the bottom.[211] This patriarchal motivated power or class system is evident in all aspects of life for African women even in ordinary conversations at the dinner table. It is striking whose mouth has a right to open and whose ear should listen in the home. It is equally striking that an attempt to either reverse or demand equal partnership results in violence.

In a communication process, both the listener and speaker have to observe specific agreed rules to facilitate clear lines of communication. Failure to observe the rules of communication results in a 'noise' that disrupts the clear flow of information between the sender and the receiver. Eugene does not know how to listen to Beatrice. Patriarchy does not accommodate those kinds of conversations by it being domineering. Eugene, unlike Kambili, did not discern the nervousness in Beatrice as she voiced her 'compliments'.[212] In other words, Eugene is tone-deaf towards the voice that Beatrice uses. However, Eugene expects Beatrice to hear him clearly, whenever he issues his summons to her.

Even if Eugene seems to have the ear of Kambili, he fails to notice that she seldom disagrees with him. Eugene silences Kambili from expressing the truth through the little sips of tongue scalding Lipton tea that she mistakes for love.[213] Kambili is not aware of the toxic love that her father presumably gives to her. Douzinas and Geary write that signs, words and images acquire meaning from differentiation from others.[214] Kambili associates the constant sipping of scalding hot tea as a love, which explains why she gets upset when she first learns of her

[210] GC Spivak 'Subaltern talk: Interview with the editors (1993-94)' in D Landry & G MacLean (eds) *The Spivak reader: Selected works of Gayatri Chakravorty Spivak* (1996) 297 at 299.
[211] S Namy and others 'Towards a feminist understanding of intersecting violence against women and children in the family' (2017) 184 *Social Science & Medicine* 41.
[212] CN Adichie *Purple Hibiscus* (2010) 13.
[213] CN Adichie *Purple Hibiscus* (2010) 31.
[214] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 63.

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mother poisoning her father. At a tender age, Eugene grooms her into silence, not ask for sips of tea that will not scald her tongue. Above all, Eugene uses tea-sipping moments as clutches.

Shepherd points to finding clues to the silence question through how women use their bodies as a response to that silence.[215] How do bodies speak without words? In the absence of a voice, the body can speak. Lee Ann Fujii gives an interpretation of testimonies of war and violence, therefore, warns against false binaries that the absence of talk means silence.[216] For example, Beatrice says little about her violent relationship with Eugene. However, her body language reflects someone who is ready to give up but does not know how.

Breaking the silence

Fujii advises that not all silences are collective.[217] In other words, some African women are silent on other topics while others are vocal or use other languages to explain their stance. In addition, the ones who talk may or may not necessarily represent the truth of the situation. In Gloria, the psychiatrist, Banda-Aaku writes an African woman who breaks the silence, a woman aware of her rights. Readers get the impression that JS loves her as her death at the end of the novel gives him a heart attack. The conversations Gloria has with JS represent equals. She refers to JS as 'Joe' shocking Pumpkin, as she had never heard anyone call him that way.[218] The therapy session Gloria has with Pumpkin breaks her two months silence after the death of her friend, BaDodo.[219] What is striking is how JS treats Gloria differently from Totela, Mama T, Salome, Sissy and Pumpkin. JS seemed to have much respect for Gloria while he did not for the other women in his life. What separates Gloria from other women is she talked and was in control of her life and JS was aware of that too.

Tamale in the study of African sexualities writes that there are different interpretations of silence.[220] In Western ideology, the absence of voice is silence. In other words, silence is not always the absence of voice as perceived in Western culture. The Western belief emphasizes

[215] LJ Shepherd (ed) *Handbook on Gender and Violence* (2019) 181.
[216] LA Fujii 'Shades of truth and lies: Interpreting testimonies of war and violence' (2010) 47 2 *Journal of Peace Research* 231 at 239.
[217] LA Fujii 'Shades of truth and lies: Interpreting testimonies of war and violence' (2010) 47 2 *Journal of Peace Research* 231 at 239.
[218] E Banda-Aaku *Patchwork* (2011) 73.
[219] E Banda-Aaku *Patchwork* (2011) 132.
[220] S Tamale (ed) *African sexualities: A reader* (2011) 13.

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being vocal or being in the hearing of someone.[221] However, Tamale notes that in the African culture silence is as powerful and as empowering as speech.[222] As much as women's rights activists deplore silence, Adichie also shows silence as a moment of development and growth. Okuyada explains Kambili's growth during her silence especially after having visited Nsukka where her silence develops an awakening just like her brother Jaja and mother, Beatrice.[223] After Beatrice, left Nsukka she began poisoning her husband, Jaja stood against his father dictatorial tendencies, Kambili decided to keep the painting of her grandfather even though she was fully aware of the implications. As Kambili and Beatrice make decisions that favour their interests, they began to reveal an atypical woman that is rare in patriarchal centred narratives. The atypical African woman has challenges that I discuss in the following section.

3.4.3 The atypical African woman

I reiterate that African women are not a homogenous group even though at times, the law, the various cultures and religions have treated them as such. *Purple Hibiscus* and *Patchwork* reveal the different African women that exist outside the stereotype that law and human rights narratives assume them to be. The acknowledgement of the existence of the atypical African woman places her at the 'centre of the narrative' for the struggle for justice.[224] The journey from the margins to the centre is marred with discourses that oppose, silence, and disregard that move. Christine Obbo, describing the struggle of African women for independence, notes the absurdity of African men expecting African women to stay in the same place while the world around them is changing.[225] Feminist critic, Pam Morris, argues that women must deconstruct the current conditions entirely to shift the prevailing order of reality.[226] The current conditions include colonial and patriarchal legacies and gender discrimination. The atypical African woman strives to break down all constructs that stop her from enjoying her human rights. The uncommon African woman stands as a beam of hope that despite her struggles she still can rise above. Akpabio A Ekpa, explaining African feminism in the twenty-first century beyond western ideologies, notes the necessity of creating real African

[221] S Tamale (ed) *African sexualities: A reader* (2011) 13.
[222] S Tamale (ed) *African sexualities: A reader* (2011) 13.
[223] O Okuyade 'Changing Borders and Creating Voices: Silence as Character in Chimamanda Adichie's *Purple Hibiscus*' (2009) 2 9 *The Journal of Pan African Studies* 245 at 257.
[224] D Gover and others *The Post-colonial condition of African literature* (2000) 69.
[225] C Obbo *African women: The struggle for economic independence* (1980) 143.
[226] P Morris *Literature and feminism* (1993) 5.

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women images using literature.[227] The power of literature lies in its ability to capture the imagination of the reader and storing those images as an ideology that readers revisit repeatedly. Reverting to African women written postcolonial literature offers the opportunity to debunk stereotypes about African women that literature and other narratives state about them.

Debunking the atypical woman

The African female writer from a postcolonial feminist point of view has the role to write about being a woman and to illustrate experience from the depth and interpretation of an African woman.[228] While African men have been writing about women, in my opinion, little of that writing has been for or about African women. There are various debates about why African male writers cannot write about being African women because they simply are not African women. One such is Molora Ogundipe-Leslie, in the study of the commitment of the female writer, who accepts that African men have artistically expressed African women experiences but these lacks the authenticity that resonates with African women writers. [229] Therefore, the depth and interpretation of male African writers' descriptions of 'African women' mislead and gives a distorted impression of African women. Another view is from Ekpa, in her examination of Africa feminism in the twentieth century, who observes that Nigerian male writers have mostly created imaginary African women.[230] Male African writers portray African women as helpless, dependent, brutalised, and disparaged as well as prostitutes, concubines, good-time girls. Some of the labels seem good but negative such as 'sweet mother' and 'nurturer', which forces African women to be soft and self-sacrificial. The male prescribed descriptions of African women are not only signs of control but also of the power struggles that confront African women. Nigeria as a former British colony went through a process of change that colonialism facilitated. Hans Haferkamp, in discussing modernity and ascription, notes that modern societies demonstrate an increase in dominance

[227] AK Ekpa 'Beyond gender warfare and Western ideologies: African feminism for the 21st century' in Emenyonu, E (ed) *Goatskin bags and wisdom: New critical perspectives on African literature* (2000) 27 at 29-30.
[228] M Ogundipe-Leslie 'The female writer and her commitment' in ED Jones and others *Women in African literature today* (1987)5.
[229] M Ogundipe-Leslie 'The female writer and her commitment' in ED Jones and others (ed) *Women in African literature today* (1987) 5 at 9.
[230] AK Epka 'Beyond Gender Warfare and Western Ideologies: African Feminism for the 21st Century' in EN Emenyonu (ed) *Goatskin bags and wisdom: new critical perspectives on African literature* (2000) 27 at 30.

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and authority in relationships.[231] This dominance is evident in men renaming African women derogatory names the same way the colonialists renamed the African man. Ogundipe-Leslie enlightens that such labels about African women 'limits their potential in society.[232] Miriam Tlali, author of *Muriel at Metropolitan*, laments the problem of men naming women Mother Africa placing them on a pedestal.[233] The same men want African women to stay on the pedestal without asking for their opinion.[234] However, when those African women want to come down the Mother Africa pedestal to be equal human beings, the same men become unhappy.[235] Put differently, what Ogundipe-Leslie and Tlali exhibit is the depth of the need to rewrite anew the script that describes the present and the future of African women. Rewriting the script requires African women themselves to place their interests first. African female writers can bring to the forefront the atypical African woman through the naratives that they present to the world.

Bringing into literature the 'atypical' African woman as depicted by African women writers allow exploring the female stereotypes present in African literature. It is up to the African female writers to correct the false images of African women society and knowledge centres present in literature and other forms of art. Novels as knowledge centres have to portray a certain truth. If this truth promotes a certain stereotype that is, what the society sustains as the 'truth'. Douzinas and Geary describe fact-based knowledge as a comprehension of the crux of things.[236] The view of Douzinas and Geary proves that African women writers can present an alternative source of knowledge or truth about the identity and position of African women. In my opinion, African postcolonial female writers have a vivid understanding of the root of the problems that confront African women. African women written stories can tell who the African woman is depending on her society, her political, marital, professional, and economic context.[237] This view is of value as it paints a picture of what an African woman is within

[231] H Haferkamp 'Modernity and Ascription' in H Haferkamp & NJ Smelser (eds) *Social change and modernity* (1992) 97 at 98.
[232] M Ogundipe-Leslie 'The female writer and her commitment' in ED Jones and others *Women in African literature today* (1987) 5 at 6.
[233] M Tlali in M Schipper 'Mother Africa on a pedestal: The male heritage in African literature and criticism' in ED Jones and others Women in African literature Today (1987) 35 at 49.
[234] M Tlali in M Schipper 'Mother Africa on a pedestal: The male heritage in African literature and criticism' in ED Jones and others Women in African literature Today (1987) 35 at 49.
[235] M Tlali in M Schipper 'Mother Africa on a pedestal: The male heritage in African literature and criticism' in ED Jones and others *Women in African literature Today* (1987) 35 at 49.
[236] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 45.
[237] M Ogundipe-Leslie 'The female writer and her commitment' in ED Jones and others *Women in African literature today* (1987) 5 at 8.

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those specific conditions. I am aware that some scholars do not believe that all African postcolonial women writers represent or have the full knowledge of the challenges confronting other African women. As I have alluded to earlier in the chapter, the danger of creating a 'single story' is ever-present. Although African female writers seemingly speak for all African women, they do so 'out of a concrete analysis of the particular power relations and discursive effects involved'.[238] In other terms, although this is still debatable, African female writers seemingly aim to demonstrate the power imbalance and its effect on society.

Adichie uses Aunt Ifeoma and Amaka while Banda-Aaku shows Grandma Ponga and Gloria to highlight the atypical African woman. Banda-Aaku from the first chapter depicts Grandma Ponga as a strong African woman. Grandma Ponga is the complete opposite of her daughter Totela, whose character fits the typical stereotype of a weak African woman who relies on a man for her identity and security. Grandma Ponga single-handed raised her three children after the demise of her husband. She also grew the tavern business of her late husband into a profitable entity for the first time.[239] In addition, Grandma Ponga at times takes care of Pumpkin whenever her mother has certain errands to run. Furthermore, Grandma Ponga refuses to fall for JS' charms to her daughter and granddaughter. Throughout the novel, Grandma Ponga stands firm in her beliefs that women can stand up to men who are abusive and win. Grandma Ponga stands outside the typecast about African grandmothers as she is not a pushover and does not accept what the patriarchal society burdens her with.

Although Adichie writes Aunt Ifeoma as a widow with needs that are common to most African widows, she portrays a capable woman who looks after her family and father. Aunt Ifeoma while facing challenges from her in-laws who accuse her of killing her husband and spending his pension money, she refuses to bow to the pressures of the *umunna* of how widows should behave.[240] This frustrates her brother Eugene who only helps her when he feels compelled to.[241] Aunt Ifeoma succumbs to neither widowhood pressures nor does she feel abandoned but that also does not make her any less human. Her trauma, however, reflects the struggles of African widows who are vulnerable and cannot fight against psychological abuse from in-laws. Sadly, most widows, African society abandon to the cultural and patriarchal systems until their demise.

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[238] L Alcoff 'The Problem of Speaking for Others' (1991-92) 20 *Cultural Critique* 5 at 24.
[239] E Banda-Aaku *Patchwork* (2011) 32.
[240] CN Adichie *Purple Hibiscus* (2010) 74,75.
[241] CN Adichie *Purple Hibiscus* (2010) 113.

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3.4.4 Abandoned within patriarchy

The challenge of abandonment coupled with patriarchy resonates strongly in both *Purple Hibiscus* and *Patchwork*. Husbands, fathers and brothers abandon wives, children and sisters. Abandoning African women within the confines of the patriarchal system is a norm as well as an anomaly. This is bearing in mind that the patriarchal system subjugates, confines, and takes away many rights that African women may have. This limits the opportunities for African women to participate fully as human beings not just according to roles the patriarchal society assigns to them.[242] Within abandonment are the silence and shame that African women carry. Oppressive religions and traditions provide appropriate conditions for which abandonment operates. The characters of Mama Beatrice in *Purple Hibiscus* and Totela in *Patchwork* represent African women, one married, one single who suffer abandonment within the dictates of patriarchy.

At the core of abandonment is a sense of lack of responsibility and trust in the 'abandoner' and loss of trust in the 'abandoned'. Driving that ability to abandon is the power imbalance that exists between the one who abandons and the one who is abandoned. Abandonment has severe effects sociologically, psychologically, and economically. Banda-Aaku explores this phenomenon more than Adichie as she weaves a story of the effects of abandonment on Pumpkin, Totela, Mama T, Salome and Sissy.

Of interest too is Mama T whose husband constantly abandons her and leaves her for other women. The individualistic pursuit of what satisfies JS is reminiscent of the Enlightenment values that encouraged self-realization as a sign of progress. What stands out is that Enlightenment ideals were hostile to European women, let alone to non-western women.[243] Enlightenment ideals created false and oppressive conditions that made it impossible for women to self-realize.[244] Mama T stays faithful in the marriage as seemingly culturally expected of a married African woman. However, Pumpkin tests and tastes her wrath, as she is the epitome and evidence of JS abandoning her. Pumpkin tested her patience as she consistently became naughty such as the time she hid the ring belonging to Mama T.[245] The disappearance of the ring compared with the fury that Mama T showed is evident of the depth of the trauma that abandonment had on her life. The wedding ring symbolised her once happy

[242] L Stone 'African being and cultural project' (2012) 30 3 *Journal of Contemporary African Studies* 483 at 493.
[243] W Bristow 'Enlightenment' https://plato.stanford.edu/entries/enlightenment/ (Accessed 14 October 2020).
[244] W Bristow 'Enlightenment' https://plato.stanford.edu/entries/enlightenment/ (Accessed 14 October 2020).
[245] E Banda-Aaku *Patchwork* (2011) 55.

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times when she had married JS. Mama T desperately searches for the ring indicative of her last attempt to hold onto a relationship that was long gone. Mama T as a Christian, the ring has a significant meaning of a circle of unending love.[246] In contrast, Donald R Downing, in his assessment of marriage, emphasises that marriage is not about the ring but the state and posture of the heart.[247] Whether Mama T admitted that the heart of JS has grown cold toward her is unknown. However, the religious and cultural inclinations about marriage could have made Mama T remain abandoned in a marriage.

Pumpkin is a product of abandonment specifically during her early years when she narrates how she waited ceaselessly for her father to come and take her.[248] In the second part of the book, Pumpkin continually displays her insecurities within her marriage as indicated by Tembo declaring that he was not her father.[249] Pumpkin is a product of abandonment because her mother abandoned rearing her while battling alcoholism. Totela felt that JS had abandoned her, in a bid to mask that void she sought solace in alcohol. Sissy has been married four times.[250] According to Pumpkin, the first and third husband of Sissy died.[251] The second husband who Sissy loved crossed into Zaire in search of diamonds and Sissy is still waiting for him.[252] Sissy believes that if her second husband came back her life of servanthood and peacemaker in the Sakavungo household will end.[253] Unlike Sissy, Pumpkin sees the absence of husband number two as meaning that Sissy's grandchildren will continue to struggle financially as husband number four spends their school fees on alcohol and women.[254] Banda-Aaku draws attention to the effects of abandonment that go beyond the initial victims. Sissy represents many African women trapped in marriages with an absent husband who struggle to move on as culture deems them married as long as that husband is still alive and has not ended the marriage.

On the other hand, coupled with abandonment is the stigma society attaches to that condition. It appears some African women would rather stay in the state of abandonment than for society to label them 'abandoned'. Mama T is in that category of women who would rather

[246] M Keene *This is Christianity* (1995) 68.
[247] DR Downing *Marriage from the heart* (2012) 39.
[248] E Banda-Aaku *Patchwork* (2011) 23.
[249] E Banda-Aaku *Patchwork* (2011)148.
[250] E Banda-Aaku *Patchwork* (2011) 63.
[251] E Banda-Aaku *Patchwork* (2011) 63.
[252] E Banda-Aaku *Patchwork* (2011) 63.
[253] E Banda-Aaku *Patchwork* (2011) 63.
[254] E Banda-Aaku *Patchwork* (2011) 63.

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stay in a marriage that offers little to them. A 'single story' assumes Mama T is too feeble to fight for a working marriage yet at the base of the behaviour Mama T is a woman who has been consistently abused and conditioned into accepting JS behaviour as normal. I draw a parallel between patriarchy and colonialism as colonialism 'asserts certain representational systems which create an order of the world presented to the individual as 'normal' or 'true''.[255] JS creates an order of the Sakavango world such that what is abnormal in the outside world Mama T considers normal. Mbye B Cham, who examines the modern society and the female imagination in the novel, notes that (female) novelists pay attention to the problem of misuse of power and privilege by males bestowed upon through culture or otherwise.[256] JS as the head of the family as culturally prescribed abuses that power and privilege at the expense of Mama T. Meanwhile, Mama T culture expects her to stay put in that same relationship. This reflects much of the inequality that exists in relationships even those outside a marriage. Pursuing this further, Susan Gubar, in her exploration of issues of female creativity, confirms how males believe a woman to be a blank page that they can write a text of their choosing.[257] Just as the writer has power over the text so does the patriarchal society accord, African males, as writers of the 'vacant' existences of African women. Mama T seemingly has little power to change what and how JS has 'written' her to be. As mentioned at the beginning of this discussion on African women abandoned in marriages, the power imbalance in the favour of African males perpetuates the situation.

The patriarchal narrative blames Mama T for the reason why her husband abandons their marriage for other women. In addition, the patriarchal narrative lays blame on other women who entice men out of their marital unions. This narrative centres on African women as the problem. bell hooks refute that African women are their downfall and that they constantly attack each other.[258]It is imperative that feminists question every narrative that has African women if that 'text represents women, what it says about gender relations and how it defines the sexual difference.'[259] Put differently, it deconstructs texts to understand why certain texts represent African women in a negative light. Patriarchy like colonialism as author and postcolonialist, Frantz Fanon, explains has 'systematic negation of the other person and a

[255] J McLeod *Beginning colonialism* (2010)174.
[256] MB Cham 'Contemporary society and the female imagination: a study of the novels of Mariama Bâ' in ED Jones and others *Women in African literature Today* (1987) 89 at 89-90.
[257] S Gubar '"The Blank Page" and the Issues of Female Creativity' (1981) 8 2 *Critical Inquiry Writing and Sexual Difference* 243 at 246.
[258] b hooks 1952 *Feminism is for everybody passionate politics* (1990) 14.
[259] J McLeod *Beginning colonialism* (2010)199.

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furious determination to deny the other person all attributes of humanity.'[260] Drawing from Fanon, patriarchy as a system does deny African women an opportunity to think, through colonising their minds into believing that their identity and survival is at the mercy of the males in their lives. hooks enlighten that the root of that behaviour is the socialisation of women into thinking they are secondary to men, are in ceaseless rivalry with each other to secure the patriarchal endorsement.[261] In *Patchwork*, JS is at the centre of the turmoil that happens to Mama T, Pumpkin, Totela, Grandma Ponga, and Salome. Only Grandma Ponga realises that the problem that Totela and Pumpkin are going through lies with JS.

Interestingly, the law is there that allows MamaT to file for a divorce if her marriage has broken down irrevocably. Mama T does not even indicate that she is aware of legal recourse to her serial cheating husband. In the novel, readers read little of the views Mama T has on her relationship with JS. As earlier stated under the discussion 'Listening to silence', MamaT is as silenced as she is as abandoned.

To sum up, abandonment leads to a shaky identity that means African women are open to all sorts of labelling that they struggle to shake off in their pursuit of justice. With such a challenge of abandonment within a patriarchal system, renegotiating and reassigning the existing identity of African women may open up other opportunities.

3.4.5 Renegotiating female identity

One of the challenges that have for generations troubled African women is attempting to regain their identity away from the African male. Renegotiating African women identity away from patriarchal, cultural, and colonial influence is not only critical in addressing challenges confronting African women but also breaks down age-old myths, stereotypes and beliefs that have long encumbered the pursuit of justice for African women. I use the term 'renegotiating' because of the need to rethink, reframe and reposition the identity of African women through a discussion. I understand some African women may not take to the idea of renegotiating identity but built on the experiences of African women in *Purple Hibiscus* and *Patchwork*, renegotiating identity may be a viable route to take. I deduce that systems such as colonialism, nationalism, patriarchy leave a legacy and continue to influence and impact African women lives therefore, a renegotiation of their identity is crucial. Pericles Lewis gives the background to the need to renegotiate the identity of African women as being

[260] F Fanon 1961 *The wretched of the earth* (1990) 200.
[261] b hooks 1952 *Feminism is for everybody passionate politics* (1990) 14.

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grounded in modernism 'crisis in the ability of art and literature to represent reality while in Philosophy, it is the crisis of reasoning.[262] Art and literature as vehicles of modernity represent a reality that modernity shapes. Enlightenment art and literature exhibited the philosophical thought of the era that is hostile to women progressing as men. That is to say, there is a need to clarify what is the reality today for African women? What are the reasons behind the distorted identity of African women in various discourses that calls for a renegotiation?

Renegotiating African women identity gives them a voice to demand what they need, in their time and space. In my argument, I refer to *Purple Hibiscus* and *Patchwork* to tease out how and why renegotiating the identity of African women are important for the attainment of justice for them. Ogundipe-Leslie writes that the commitment of the female writer is to tell about being (an African) woman and to elaborate that view from a stance of the woman.[263] Therefore, Ogundipe-Leslie places that burden on the writer to tell the story of a woman. These are more than narratives; they are experiences and the heartbeat of a woman that counter false stories about African women. They are fictional descriptions of African women that need renegotiating bearing in mind as earlier stated that so many beliefs and systems have contributed to it.

Adichie and Banda-Aaku did use the *Bildungsroman* structure to their novels, but they do not adhere strictly to the traditional form. Gaonkar points to the existence of alternative modernities, which is to 'privilege a particular angle of interrogation.'[264] It involves a specific contextual reading of modernities in a way that helps in understanding and questioning the present.[265] Privileging a particular angle of interrogation implies choosing a deliberate reading of texts that upends patriarchal and colonial ideologies. In addition, the present for African women is such that they have to find other ways to regain their identity outside narratives that take away that identity. *Purple Hibiscus* and *Patchwork* offer alternative modernities of the possible reality of African women through narratives that deconstruct stereotypes and harmful assumptions about them. Equally, important legal scholar, Ian Ward, describing various theories in critical legal studies, validates that

[262] P Lewis *The Cambridge introduction to modernism* (2007) xiii.
[263] M Ogundipe-Leslie 'The female writer and her commitment' in ED Jones and others *Women in African literature today* (1987) 5 at 7.
[264] DP Gaonker (ed) *Alternative modernities* (2001) 15.
[265] DP Gaonker (ed) *Alternative modernities* (2001) 15

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deconstruction disables metanarratives by which 'those in power seek to prescribe or write the conditions by which the rest of us should lead our lives.'[266] Deconstructing metanarratives, which are grand narratives such as colonialism, human rights, and patriarchy, offers an opportunity for African women to understand better how the identity they have was and is forged. French philosopher, Jean-François Lyotard, gives an account of the state of the postmodern, which emphasises that grand narratives should give way to the local narratives, which bring attention to the singular event.[267] Lyotard mistrusts how grand narratives easily submerge other naturally occurring and singular events.[268] Put simply, more options to identify African women exist outside the perpetuated discourses of colonialism, nationalism, human rights, and patriarchy. This underpins my stance of renegotiating the identity of African women.

Kathrine Frank, in the examination of the feminist novel in Africa, notes the three stages that moulded the creation of the identity of an African woman in African literature as the mythological 'pre-phase, the colonial legacy and changes from the 1960s.[269] I note the premise that Frank uses is because the majority of African literature during the colonial era set the frame for the identity of African women. Oyeronke Oyewumi, in the study of colonial bodies and minds, writes that colonialism was rooted in a belief that of unquestionable dominance 'of the human over the non-human and subhuman' the male over the female and the contemporary or the outmoded.[270] Colonial social classes put European man, European woman and African man at the top in that order while African woman was at the bottom, the Other.[271] Colonial policies paid much attention to African males who were to be the force behind the economic labour needed in the colonies, in that manner African women became dependents and invisible. Furthermore, Oyewumi expounds that the core identity of African women as wives muted other characteristics.[272] Florence Ebila, in an article analysing the Kenyan state social construction of womanhood and manhood, inquires the real identity of

[266] I Ward *Introduction to critical legal theory* (2004) 155.
[267] C Nouvet and others (eds) *Minima Moralia* (2007) xvi.
[268] C Nouvet and others (eds) *Minima Moralia* (2007) xii–iv.
[269] K Frank 'Women without men: The feminist novel in Africa' in ED Jones and others (eds) *Women in African literature today* (1987) 14 at 36.
[270] O Oyewumi 'Colonising bodies and minds: Gender and colonialism in G Desai & S Nair *Postcolonialism: An anthology of cultural theory and criticism* (2005) 339 at 339.
[271] O Oyewumi 'Colonising bodies and minds: Gender and colonialism in G Desai & S Nair *Postcolonialism: An anthology of cultural theory and criticism* (2005) 339 at 340.
[272] O Oyewumi 'Colonising bodies and minds: Gender and colonialism in G Desai & S Nair *Postcolonialism: An anthology of cultural theory and criticism* (2005) 339 at 354.

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the African woman and societal considerations that defines her.[273] In addition, can this African woman define herself and how does she define herself?[274] Firstly, what Ebila exposes is the active existence of various discourses that attempt to define the African woman while excluding her opinion. Secondly, gendered and patriarchal controlled societal considerations lead to a distorted identity of African women. The colonial classification of African women became normal and acceptable as indicated in not only male-written African literature but also legal and religious narratives. In short, Ebila inquires who defines who the African woman is and what criteria did the definer use to decide on that definition. In the mythological 'pre-phase, Frank expounds that myths have often viewed African men as creators of harmony out of chaos, therefore, giving them the ability to control.[275] African women as associated with nature, which could be good or bad, consequently requiring control from orderly African men. Put simply, the assumption is men create order out of the chaos of nature. This patriarchal narrative assigns the power of order to men while at the same time viewing women as needing order. Chipo Hungwe, describing the Zimbabwean women gender struggles, explains how various patriarchies (colonial, rural, missionary and indigenous) across racial lines worked together to control African women.[276] This patriarchal worldview considers African women as secondary and needing African men to control them and their destinies.

The 1960s in African literary history show a shift in a few male African authors such as Sembene Ousmane who chose to write African women in good light as not only witches, prostitutes and workhorses.[277] This development is important as Oyewumi argues that intellectuals had and still have an important role in shaping the reality of African women, ultimately their identity.[278] I question the role of modernity in shaping the identity of African women as reflected in the work of both Western and African intellectuals. Knowledge rooted in Enlightenment modernity tends to be uniform and relegates everything to a stereotype. It

[273] F Ebila 'A proper woman, in the African tradition': The construction of gender and nationalism in Wangari Maathai's autobiography *Unbowed*' (2015) 52 *1Tydskrif Vir Letterkunde* 144 at 145.
[274] F Ebila 'A proper woman, in the African tradition': The construction of gender and nationalism in Wangari Maathai's autobiography *Unbowed*' (2015) 52 *1Tydskrif Vir Letterkunde* 144 at 145.
[275] K Frank 'Women without men: The feminist novel in Africa' in ED Jones and others (eds) *Women in African literature today* (1987) 14 at 36.
[276] C Hungwe 'Putting them in their place: "respectable" and "unrespectable" women in Zimbabwean gender struggles' (2006) *Feminist Africa 6: Subaltern sexualities 6* 33 at 37.
[277] K Frank 'Women without men: The feminist novel in Africa' in ED Jones and others (eds) *Women in African literature today* (1987) 14 at 45.
[278] O Oyewumi 'Colonising bodies and minds: Gender and colonialism in G Desai & S Nair *Postcolonialism: An anthology of cultural theory and criticism* (2005) 339 at 358.

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follows that African women as diverse as they are modernity package them into certain unrealistic categories of identification. Oyewumi demonstrates that identifying gender as a colonial category allows finding out how colonial legacy has been incorporated and replicated daily.[279] Akyeampong and Fofack trace the contributions of African women to economic development thus argue that precolonial male-dominated politics did little to correct the colonial imbalances such that today's marginalization of African women is a legacy from colonial times.[280] The power of a legacy depends on its ability to replicate through several generations. The necessity is to break the cyclical nature of colonial imbalances that deprive African women of their rightful position in society.

In the section, 'The atypical African woman' I mention a few descriptions of African women identities that exist in African Literature and beyond. Adichie and Banda-Aaku highlight African women characters who despite their family relation to men attempt to seek their own identity outside those assigned to them. Moreover, Frank enlightens African novels written mostly by men tended to define women characters in relation to the men such as somebody's wife, somebody's mother who linger at the margins of the story while occupied with domestic chores.[281] This limits African women to one-dimensional beings. It also perpetuates the identification of African women through their relations to men.

Patriarchal Eugene, in *Purple Hibiscus*, lacks respect forsome females in his life. He refers to Sisi, the helper as that 'girl'.[282] Readers familiar with colonial European writers work based on Africa will note that those novels depict African workers as boys or girls regardless of their age. One such writer Henry Rider Haggard, who African novelist Ngugi wa Thiong'o criticised as the genius of racism because of his racist infantilising description of African characters.[283] Eugene carries that colonial legacy through into his home as he refers to Sisi as that 'girl'. Sisi could mean a little girl or sister. However, from the tone Eugene uses when he asks his wife to 'ask that girl to bring it', the cashew juice, I read contempt and disrespect

[279] O Oyewumi *Gender epistemologies in Africa, gendering traditions, spaces, social institutions and identities* (2011) 9.
[280] E Akeyampong & H Fofack 'The Contribution of African Women to Economic Growth and Development in the Pre-Colonial and Colonial Periods: Historical Perspectives and Policy Implications' (2014) 29 1 *Economic history of developing regions* 42 at 43.
[281] K Frank 'Women without men: The feminist novel in Africa' in ED Jones and others (eds) *Women in African literature today* (1987) 14 at 14.
[282] CN Adichie *Purple Hibiscus* (2004) 12.
[283] T Ngugi *Decolonising the mind: The politics of language in African literature* (1994) 18

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but naïve Kambili wishes if only Sisi would respond.[284] Sisi is an adult but Eugene disregards age and gender in his pursuit of affirming his authority.

In *Patchwork*, Mama T's house helper is Sissy. Sisi and Sissy is a transliteration of sisters in English. Adichie and Banda-Aaku refuse to keep Sisi and Sissy as flat characters who aid the plot along. They introduce sisterhood that is African women fighting challenges together for their benefit. They both refute the idea that African women cannot work together. In *Purple Hibiscus*, Sisi gives Beatrice the rat poison that kills Eugene. Beatrice would not have managed to kill Eugene alone who is a symbol of patriarchy. On the other hand, Sissy in *Patchwork* who is a grandmother becomes a tower of strength for both Mama T and Pumpkin despite battling abuse in her home too.[285] Adichie and Banda-Aaku pursue sisterhood in their novels: a special kind of relationship.

Cook and Cusack, from a transnational legal perspective of gender and stereotyping observe that gender stereotypes have a 'dignity-diminishing effect', which views women as inferior, incapable and incompetent as compared to men because they are women.[286] *Purple Hibiscus* demonstrates that Aunt Ifeoma, even though having achieved a Master's degree together with lecturing experience, she does not see a future at her university workplace, as she has no voice or hope of recognition as an academic so she opts to move to the United States of America in search of a career and personal growth.[287] Adichie through Aunty Ifeoma deposes patriarchal, colonial and historical assumptions about the ability and the place of African women. The male gatekeeping system was such that Aunt Ifeoma despite her capabilities placed a cap on how far she could go in pursuit of her vocation. In addition, Cook and Cusack warn that gender stereotypes can hinder women from choosing who they want to be as it destroys their self-image and life plans as exemplified through Beatrice.[288] This kind of identity stereotyping encourages unfair labour practices as Adichie shows in the case of Aunt Ifeoma. African women still hover in the fringes of those male-dominated domains despite freedom from colonial rule and the existence of human rights. I view freedom from colonial rule as a statement that is common after independence that serves no purpose to African women. The post-independence environment does not support African women endeavours

[284] CN Adichie *Purple Hibiscus* (2004) 12.
[285] E Banda-Aaku *Patchwork* (2011) 4.
[286] RJ Cook & S Cusack *Gender and stereotyping: Transnational legal perspectives* (2010) 39.
[287] CN Adichie *Purple Hibiscus* (2004) 224.
[288] RJ Cook & S Cusack *Gender and stereotyping: Transnational legal perspectives* (2010) 64.

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even if nationalism and human rights assume that. African women must renegotiate their identity to ensure that they enjoy their human rights.

As much as colonisers, believed modernity to be a civilising mission, it did nothing but add another dimension to the place that the African woman occupies. Oyewumi cautions against undermining the power of gender constructs in the age of modernity because of how colonial classes have become part of everyday life.[289] Gender is a social construction.[290] Colonialism, patriarchy, African traditions, religion and many others influence gender construction in Africa. Since gender is a social construct and colonialism is a vehicle of modernity, it would be naive to assume that modernity abolishes the positions that colonialism created for African women. African women need to continue to renegotiate their identity away from all forces that impede them from enjoying justice.

3.4.6 Of sexual and reproductive health

Sexual and reproductive health is a complex challenge not only for African women but also for those advocating for an end to its abuse. The sexual and reproductive health issues take place in the private space. This means that silence and shame, patriarchy, cultural and religious beliefs may hinder access to justice regarding sexual and reproductive health issues. Even more disheartening is the intersecting oppressions that African women confront every day such that sexual and reproductive health oppression becomes one of many in the line of unresolved challenges.

The Program of Action of the International Conference on Population and Development defines reproductive health as a 'state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its functions and processes.'[291] Sexual and reproductive health is about the health and welfare of people concerning issues of sexual interactions, pregnancy, and childbirth.[292] Despite that, most African constitutions acknowledge the necessity of affording African women the right to sexual and reproductive health, there is still a wide margin to realising and covering the gap between the idea and the reality. Gender inequality rooted in patriarchy

[289] O Oyewumi *Gender epistemologies in Africa, gendering traditions, spaces, social institutions and identities* (2011) 5, 11.
[290] S Karim & M Henry 'Gender and peace keeping' in F Ní Aoláin and others (eds) *The Oxford handbook on gender and conflict* (2018) 399.
[291] UN OHCHR *Women's rights are human rights* (2014) 50.
[292] EE MacPherson and others 'Gender equity and sexual and reproductive health in Eastern and Southern Africa: a critical overview of the literature' (2014) 7 *Global Health Action* 1 at 2.

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drives the inability of African women to attain their sexual and reproductive rights. It is vital to address the gender inequalities in sexual and reproductive health to achieve gender equity in health as well as the emancipation of African women.

Muting the sexuality of African women

Society overpoweringly disputes sexuality.[293] This means that everything about what sexuality is, who can be involved in it, when, why and how is contested. The disputes are deeply overwhelming for African women in a patriarchal society. Jeffrey Weeks, examines the history of sexuality, thus notes that the construction of power is indivisibly knit with sexual history.[294] In a patriarchal society, men are the centre and have the power to control not only the sexual knowledge in that space but also the definition of sexuality. The emergence of human rights added more angles in the contestation of sexuality especially with a focus on women and the queer. Tamale's definition of sexuality is important to the understanding of what it means to silence African women's sexuality. The ignorance that surrounds African women's sexuality makes it critical to be able to define sexuality. Tamale explains sexuality as including 'sexual knowledge, beliefs, values, attitudes, and behaviours, as well as procreation, sexual orientation and interpersonal sexual relations.'[295] Patriarchal rooted discourses attempt to control what information African women get about sexuality. In addition, sexuality includes gratification, clothing, self-respect, power and many other aspects.[296] Since sexuality involves many things, it is easy to see why the knowledge of sexuality remains scarce to African women. African men use all aspects of what sexuality is to curb the females in their control. African men speak words that demean, control their dressing, destroying African women self-esteem so that they become sexually invisible.

Tamale explains that most of the studies show that during colonisation there was an alteration of knowledge around African sexual and reproductive health.[297] In addition, Weeks explains that sexual history overlaps with race, status, age, religion and location to mention a few.[298] This implies that a discussion of sexuality cannot overlook how race, status, age, religion and location have a bearing. This echoes what Tamale notes about colonisation altering

[293] J Weeks *What is sexual history*? (2016) 5.
[294] J Weeks *What is sexual history*? (2016) 3.
[295] S Tamale (ed) *African sexualities: A reader* (2011) 11.
[296] S Tamale (ed) *African sexualities: A reader* (2011) 12.
[297] S Tamale (ed) *African sexualities: A reader* (2011) 14.
[298] J Weeks *What is sexual history*? (2016) 3.

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knowledge about African sexuality and reproduction. Colonialists regarded the sexuality and reproductive health of African women as uncouth and sinful. In my view race, status, religion, and location contributed to this colonial upper-handed conclusion. Colonialists used a Victorian enlightenment frame of knowledge such as culture, religion and half-baked studies on African women.[299] Society encouraged Victorian women to be sexually mute and chaste as coveted traits in a woman. Tamale clarifies that studies that colonialists conducted had an unethical and unequal relationship between the researcher and the subject.[300] The researcher had more authority and made little effort to learn about the subject.[301] Put differently, the researcher had preconceived ideas about African sexuality, therefore, successfully attempted to authenticate those ideas through unethical research.

Gwendolyn Mikell, records African women responses to challenges affecting their livelihood, thus acknowledges that researchers often neglected the local knowledge of African women on issues of gender and cultural dynamics, missing an opportunity to address problems.[302] Oyewumi, traces the misapplication of Western, body-oriented concepts of gender through the history of gender discourses in Yoruba studies, cautions that African scholars need to invest more in painstakingly detailing African culture from inside rather than from outside.[303] In other words, the results from these studies painted a picture that undermined and considered African women as savages that needed enlightenment. The sentiments from Oyewumi show that much of the knowledge about African women sexuality is missing. Nevertheless, in the absence of that relevant knowledge, an obvious gap fills with discourses that stereotype African women. These stereotypes become very much part of the norm because African men in position of power and knowledge can propel and propagate these ideas into reality. Tamale observes that the language used to describe African sexuality is that of the Western coloniser therefore, the descriptions of sexuality in those studies reflect the notion of the West.[304] Such notions created stereotypes about African women sexuality and reproductive health that have survived up to today. It is my view that possibly human rights and law systems carry the same notions about African women sexuality since there are not enough studies on their sexuality.

[299] S Tamale (ed) *African sexualities: A reader* (2011) 15.
[300] S Tamale (ed) *African sexualities: A reader* (2011) 14.
[301] S Tamale (ed) *African sexualities: A reader* (2011) 14.
[302] G Mikell *African Feminism: The Politics of Survival in Sub-Saharan Africa* (210) 334.
[303] O Oyewumi *The invention of women: Making an African sense of western gender discourses* (1997)
[304] S Tamale (ed) *African sexualities: A reader* (2011) 12.

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Tamale writes that African women sexuality stereotypes that colonisers perpetuated include African women as coarse, insatiable, and debauched among other demeaning racist terms.[305] In addition, colonialists considered African sexuality as an 'African sin'.[306] Colonialists referred to African sexuality as sin because of their prejudiced racial views. This formed the basis for part of the civilising mission of African women. Anne McClintock accounts how Victorian gender, race and class formed British imperialism and its destructive influence on South Africa. McClintock elucidates that British imperialism (enlightenment) was to unveil Arabian women while sub-Saharan African women were to be enlightened through dress and soap.[307] The idea of unveiling and washing in soap as a covering of 'nudity' and cleansing of 'dirt' symbolises the encroaching of colonialism into the sexuality of women. It is a complete submerging of African women, as they knew themselves to be over what colonisers thought they should be. The same perceptions emerge in colonial literature and laws, which perpetuated and authenticated these notions. Sadia Zulfiqar gives a profound comprehension into the marginalized position of African women, their defiance to patriarchal formations in their societies, and their antagonism to western forms of feminism.[308] Zulfiqar explains that in literature most African male writers limited the role of women to motherhood or harlots. [309] Some male African authors even wrote African women characters as prostitutes and wild that needed a firm hand to control. The emergence of strong African female postcolonial writers is thus important in exposing challenges encountering African women. To buttress that view, Rosamond King, who connects African women writing to culture, confirms that women writers often show readers considerations that are so far from the norm that some people become uncomfortable.[310] Indeed, in that discomfort especially about African women sexuality lays the truth that the society may not have considered.

[305] S Tamale (ed) *African sexualities: A reader* (2011) 15.
[306] A McClintock *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (1995) 41.
[307] A McClintock *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (1995) 42.
[308] African women antagonised Western forms of feminism because of its link with the coloniser and its treatment of African women as the other that needs saving from men. Western feminism ostracised African women as such it became important to develop African feminism whose voice, context and challenges they could identify.
[309] S Zulfiqar *African Women Writers and the Politics of Gender* (2016) 181.
[310] R King 'African women, literature, language and culture' (2014) 4 2 *index. communicion Africa con ene* 79 at 80.

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African culture, a term that I use loosely has its narratives that describe what African women sexuality is and the behaviour expected.[311] Other women within the family structure enforce some of that behaviour. For example, a mother or a grandmother can tell a young woman or granddaughter how to behave. However, it is critical to note that African men put the law down on how women should behave but the women enforce it in the home. African women become gatekeepers of sexuality norms that diverse patriarchies prescribe. Now, I would not like to confuse those moments with the rites of passage that most African cultures perform for young women and men. However, it is my opinion that the rites of passage may carry and enforce some of the patriarchal traditions that play a role in oppressing and dismissing the rights of African women. In *Purple Hibiscus*, Beatrice never mentions anything sexual to Kambili. Arguably, the environment in her home did not allow for such conversations. Rather, Aunty Ifeoma observes that Kambili had breasts. In my Zimbabwean Karanga culture, aunts have the responsibility to teach me about sexuality and reproduction. The same aunts do enforce patriarchal rules over their nieces and sisters-in-law in a bid to preserve the culture of her people. Eugene, however, made every effort to subdue and discourage any idea of sexuality in Kambili. The behaviour of Eugene exhibits excesses of patriarchy that is the need to control the sexuality of women as a demonstration of power. Obbo reaffirms this notion as she notes that the success of the males in the African systems depends on their ability to control.[312] Kambili narrates that her father sent her to Daughters of the Immaculate Heart Secondary School for girls because of the high walls that had sharp jagged glass pieces on the edges.[313] Eugene was sure nothing sexual would happen at that Catholic nun headed to school. After all, Eugene looked up to Catholicism for rescuing his soul. Eugene frowned upon Amaka and Aunty Ifeoma wearing slacks and makeup, he made sure that Kambili was aware that kind of behaviour was sinful. Samantha van Schalkwyk in mapping female sexuality in Africa certifies that social discourses aim to demean and judge inferior female sexuality.[314] Eugene's violent management of his family creates social discourse that attempts to damper and destroy any form of sexuality in his wife and Kambili. Until she visits, Nsukka Kambili believes so.

[311] I use the term loosely because African culture if it exists cannot fully represent all Africans. It is not homogenous or interchangeable.
[312] C Obbo *African women: The struggle for economic independence* (1980) 4.
[313] CN Adichie *Purple Hibiscus* (2011) 45.
[314] S van Schalkwyk *Narrative Landscapes of Female Sexuality in Africa: Collective Stories of Trauma and Transition* (2018) 19.

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Religion like other influences shapes sexual moralities. In Africa, religion and culture have an inescapable relationship. Tamale observes that Christianity has had an immense influence on African traditions.[315] In other terms, religion superseded African traditions such that much of the information on sexuality in Africa has a religious influence. However, Tamale notes that while Christianity looks at the body of a woman as sinful and a distraction from godliness, African tradition lauds the body of an African woman as a procreative or erotic symbol.[316] In my opinion either way Christianity or African traditions views the body of an African woman, it still leaves her vulnerable to abuse from both. African women straddle cultural, religious, and at times legal systems before they can enjoy or endure their sexuality. Eugene uses religion to keep a sexual tight leash on Kambili and Beatrice. Eugene mostly uses the Christian mantra as a tool for managing the sexuality of the women in his life. Likewise, Eugene mostly manages the way Kambili dresses. As earlier stated, the dress is part of sexuality.[317] Beatrice seems to dress for a purpose not necessarily that is what she prefers. Kambili notes that her mother wears flat rubber slippers that did not make a sound as she moved.[318] In addition, Kambili narrates that after Mass her mother had changed from the sequined wrapper and puffy blouse attire to a plain tie-dye wrapper, which she tied loosely around her waist and a white T-shirt.[319] Flat slippers are soundless and do not announce the presence of the wearer. The loosely tied wrapper hides the shape that Beatrice has. Both the flat slippers and the loose wrapper hardly define or express sexuality of Beatrice. The sexual invisibility of Beatrice is possibly interwoven with the abusive, traumatic environment that she calls home. Beatrice possibly grew up in a Christian household, as her father who Eugene admires was an interpreter to the missionaries.[320] Tamale certifies that religions especially Christianity and Islam place much emphasis on covering the body.[321] Beatrice and Kambili under the directive of Eugene cover their bodies such that they do not recognise their sexuality. After hearing her mother was pregnant, Kambili admits that she did not recognise her parents as sexual beings instead she saw their supposed sexuality as exchanging the sign

[315] S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *Africa Human Rights Law Journal* 150 at 153.
[316] S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *Africa Human Rights Law Journal* 150 at 153.
[317] S Tamale (ed) *African sexualities: A reader* (2011) 12.
[318] CN Adichie *Purple Hibiscus* (2010) 10.
[319] CN Adichie *Purple Hibiscus* (2010) 7.
[320] CN Adichie *Purple Hibiscus* (2010) 67-68
[321] S Tamale (ed) *African sexualities: A reader* (2011) 16.

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of peace at Mass.[322] It is possible to quickly dismiss Kambili as naive but this demonstrates the deliberate misinformation that Eugene feeds her. The result is a Kambili who is blind to her sexuality.

Africa has media articles of African men attempting to police the way African women dress and ultimately their sexuality. The attempts to control African female sexuality result in harmful traditional practices such as female genital mutilation, early marriages, force-feeding, female infanticide, early pregnancy, and many others. The *United Nations Harmful Traditional Practices Affecting the Health of Women and Children Factsheet 23* states that regardless of their harmful nature and violation of international human rights laws, such practices continue because no one questions them and those who practise them seem morally upright.[323] The same fact sheet clearly states that males are the sole benefiter for these harmful practices.[324] Firstly, the fact sheet seems to affirm the existence challenges that confront African women despite human rights laws in place. Secondly, it seems to affirm the patriarchal nature of these harmful practices. Thirdly and final, it seems to affirms the absence of voices that challenges patriarchal systems. What the fact sheet does not do explain is these challenges still confront African women? It does not state why human rights are failing to address these challenges?

Media articles on African women stripped of their miniskirts are prevalent because men decide they were sexually provocative. In 2014, Uganda proposed a law that will regulate the dressing of women. This met with protests after the attack of several women.[325] In Zimbabwe, in 2014, a group of men working at the bus terminus in Harare stripped naked a woman walking with a male friend. The same men who stripped the woman assaulted the male friend when he tried to intervene.[326] Nigeria also had an incident in 2019 that involved arresting women who were dressed 'provocatively' in Abuja nightclubs while men police let

[322] CN Adichie *Purple Hibiscus* (2010) 21.
[323] UN OHCHR *Harmful traditional practices affecting the health of women and children: Fact sheet no. 23* (2009) 4.
[324] UN OHCHR *Harmful traditional practices affecting the health of women and children: Fact sheet no. 23* (2009) 4.
[325] Amy Fallon 'Confusion over Uganda's 'miniskirt ban' leads to public attacks on women' https://www.theguardian.com/fashion/fashion-blog/2014/feb/28/uganda-miniskirt-ban-attacks-women (Accessed 06April 2020).
[326] SAP 'Zimbabwe cops track 'short dress' thugs but need woman to come forward' https://www.timeslive.co.za/news/africa/2014-12-23-zimbabwe-cops-track-short-dress-thugs-but-need-woman-to-come-forward/ (Accessed 06 April 2020).

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go.[327] While these are just media reports, they paint a picture of how patriarchy attempts to control the sexuality of African women. In the case of Uganda, the Anti-pornography bill went as far as getting parliamentary approval. If it had not been heavy advocacy, controlling the dressing of African women could have been legalised and become a normal way of life.

Access to contraception and abortion

Closely linked to sexuality is access to contraception and the choice to have an abortion. Just like African women sexuality, access to contraception and abortion society contests. Much of the debate hinges on the need to control what African women can do with their bodies at any given time. I think that different patriarchies such as cultural, religious, legal make the choice of contraception or abortion extremely difficult for African women. whichever position African women choose to take, there is possibility of stigma and shame attached to it. Several international and regional human rights instruments exist that promote and protect the rights of African women to sexual and reproductive health such as the CEDAW and the Maputo Protocol. The UN Special Rapporteur to the right to health asserts that women (African) are entitled to reproductive health-care services, goods, and facilities.[328] These must be widely available, reachable physically and cost-effective, non-discriminatory, and of worth.[329] In contrast, despite these instruments and assurances about their effectiveness, African women continue to have their rights to contraception and safe abortion violated at the hands of the state and private actors.

Much of the problems stem from the different discourses rooted in the different patriarchies. Tamale asserts that religious leaders from all faiths are overly outspoken and persuasive when it comes to regulating sexuality in Africa.[330] Much of the basis of trying to use religion to regulate sexuality is the pursuit of morality. Sadly, more focus is on African women rate of morality as compared to African men. Undeniably, the measure that religious patriarchies use to measure African women morality does not apply to them. In *Patchwork*, Eugene and Father Benedict act as the religious morality compasses for the Achike family and members of the St Agnes church. The Bible states the man as the head of the family, therefore

[327] S Alonge 'Women dressed 'provocatively' are being arrested in Nigeria. The law's still failing us' https://www.theguardian.com/commentisfree/2019/may/06/women-dressed-provocatively-arrested-prostitutes-nigeria-abuja (Accessed 06 April 2020).
[328] UN OHCHR *Women's rights are human rights* (2014) 50-51.
[329] UN OHCHR *Women's rights are human rights* (2014) 50-51.
[330] S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *Africa Human Rights Law Journal* 150 at 161.

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inadvertently granting the man the moral compass in the family. Father Benedict acts as an enabler to the behaviour that Eugene shows in his home and outside. There is a sort of brotherhood whose sole purpose is to maintain patriarchal control not only over African women but also men who seemingly are weak.

Keeping the moral compass in the hands of African men raises several questions. The mindset I think firstly assumes that only African women need their morality surveyed. Secondly, it assumes that African men have a divine moral duty to keep the world religiously moral. Thirdly, it disregards the gender inequality that exists within the same environment that demands morality. Finally, it assumes the patriarchal religious moral definition encompasses all forms of morality. Bibi Bakare-Yusuf, examines nudity and morality as tools legislating bodies of Nigerian women, she reaffirms that religion attempts to link the bodies of African women with sexuality to better control them.[331] Sexuality is a highly contested space; it is possible morality is a way of maintaining a patriarchal hold over women as a way of maintaining power.

Philosopher, David Hume, exploring the natural history of religion, refutes the concept of religion as the sole moral measuring instrument because of its inconsistencies.[332] In some instances, religion has been associated with the death of innocent persons and with unfair judgements based on a misinterpretation of religious discourses. In addition, in agreement with Hume, Elizabeth Anderson, in her review of life outside God, explains that the Bible had both good and evil teachings making it morally inconsistent.[333] The fickleness of the Bible as a moral tool of measurement is thus invalid to control the sexuality and reproductive choices of African women. The link of religion to colonialism in Africa is problematic, maybe applying the African philosophy of ubuntu may work as guidance for exploring and understanding the sexuality of African women. Ubuntu does not refer to sexuality but it points to how people should relate with one another. South African philosopher, Mogobe Ramose, in his work on Ubuntu philosophy explains ubuntu as the source of African

[331] B Bakare-Yusuf 'Nudity and morality: legislating women's bodies and dress in Nigeria' in S Tamale (ed) *African sexualities: A reader* (2011) 116 at 123.
[332] D Hume 'The natural history of religion' in H Christopher (ed) (2007) *The portable atheist: essential readings for the nonbeliever* 26 at 30.
[333] E Anderson 'If God is Dead, Is Everything Permitted?' in H Christopher (ed) (2007) *The portable atheist: essential readings for the nonbeliever* 333 at 336.

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philosophy and being. It expresses the generality and oneness of being human. .[334] In addition, it expresses the view that 'a person is a person through other persons'.[335] At the core of ubuntu is the relationship with others. Ubuntu inspires humanness and acknowledges the sacredness of human life. No individual is more revered than another. Tamale in a keynote address entitled 'Ubuntu: ending Gender-based violence in institutions of higher learning and work places' called upon Ugandans to embrace ubuntu to address the problem of gender-based violence.[336] Tamale in the same address emphasised the values of 'humaneness, solidarity, interdependence, compassion, respect and dignity associated with ubuntu.'[337] Ubuntu is a philosophy that society contests. Ubuntu is imperfect. The arguments themselves range from the roots of ubuntu as patriarchal, therefore discriminatory to African women.[338] Other arguments defend that ubuntu should not be read from western epistemologies which are divergent to African knowledge and culture.[339] Further arguments propose ubuntu feminism, which recognises the history, context and the daily dynamics.[340] In other words, ubuntu feminism acknowledges the patriarchy within the social systems where ubuntu is practised. The ubuntu philosophy is a difficult terrain to navigate with no clear distinction of its applicability to African women. There seem to be parts of ubuntu that appeal to certain parts of society but can be considered detrimental to another group.

In marriage, cultural, religious, and legal rites control the process when an African woman male relative hands her over to her husband. Whether it is lobola, dowry, or Christian wedding the significant part of the ceremony is the handover of the woman from one man

[334] MB Ramose 'The philosophy of ubuntu and ubuntu as a philosophy' in PH Cootzee & APJ Roux *Philosophy from Africa* (2005) 230 at 231.
[335] M Munyaka & M Motlhabi 'Ubuntu and its socio-moral significance' in MF Murove (ed) *African ethics: An anthology for comparative and applied ethics* (2009) 63 at 66.
[336] P Nabbate 'Ubuntu the answer to ending GBV- Prof Sylvia Tamale' https://news.mak.ac.ug/2018/12/ubuntu-the-answer-to-ending-gbv-prof-sylvia-tamale/ (Accessed 01 February 2022).
[337] P Nabbate 'Ubuntu the answer to ending GBV- Prof Sylvia Tamale' https://news.mak.ac.ug/2018/12/ubuntu-the-answer-to-ending-gbv-prof-sylvia-tamale/ (Accessed 01 February 2022).
[338] H, Viviers & AMM Mzondi 'The end of essentialist gods and ubuntu: a feminist critical investigation' (2016) 97 *Pharos Journal of Theology* 1 at 2. See also M Manyonganise 'Oppressive and liberative: A Zimbabwean woman's reflections on Ubuntu' (2015) 36 2 *Verbum et Ecclesia* 36(2)1; l Du Toit 'Old wives' tales and philosophical delusions: The problem of women and African philosophy' in G Walmsley (ed) (2011) *African philosophy and the future of Africa* 111–128 & I Keevey 'Ubuntu versus the core values of the South African constitution' in L Magadlela & l Praeg (eds) (2014) *Ubuntu: Curating the archives* Pietermaritzbug: UKZN Press
[339] M Molefe 'Review: A report on ubuntu by Leonhard Praeg' (2014) 1 *Critical Views on Society, Culture and Politics* 157 at 159-60.
[340] GE du Plessis'Gendered human (in)security in South Africa: what can ubuntu feminism offer?' (2019) 51 2 *Acta Academia* 41 at 55.

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(father, uncle or brother of the woman) to another man (husband). The exchange is equally a site of power and domination. It shapes the sexual relationship between a man and a woman as culture and religion authenticate the exchange. It is also a site of conditioning the African woman psyche of belonging to her husband. This belonging includes her body too. Ketu Katrak exposes the politics of the body of the postcolonial African woman, therefore, notes that most third world cultures do not necessarily mention sexuality per se as a tool of control but use traditions such as dowry, polygamy, childbearing as controls of the bodies of women.[341] This scenario firstly, gives an impression of an exchange of a commodity from one owner to another. Commodifying African women means who ever 'owns' her can do as he so wishes. Secondly, it gives the impression that African women are dependent on males. Thirdly, it emphasises, reaffirms and legalises the place of an African woman as beholden to African men. Much more important is how African women process that ceremony. Do they accept their place as subordinate to that man? Do they accept what culture and religion purport about the role of African women in marriage? Do African women accept control of that man in the marriage? These questions are important in the wake of silence that envelopes the lives of African women. In *Purple Hibiscus*, Beatrice seems to believe what her culture and religion say about her position in the marriage. Beatrice is grateful that her husband did not take in other women after she miscarried several times. Katrak explains that various patriarchies employ myths and cultural beliefs to place a psychological and subconscious grip that limits the lengths African women can pursue on their own.[342] In other words, the use of all patriarchal discourses to imprint dependency on men takes away the power to make decisions as African women on their own. The power of taking away autonomy within the marriage affects the ability of African women to control matters of family planning.

Despite this, other intersectional factors rooted in historical and systemic oppression make it harder for African women to find that autonomy to make decisions about their reproductive health. Literature plays a significant role in articulating and interpreting the realities and aspirations of a society.[343] Beatrice, besides the culture and religion that weighs heavily on her, is in an abusive environment where her husband monitors not only her behaviour but also her movements. The numerous miscarriages invite several questions such as if Beatrice has a

[341] KH Ketura *Politics of the female body: postcolonial women of the third world* (2006) 14.
[342] KH Ketura *Politics of the female body: postcolonial women of the third world* (2006) 10.
[343] M Funmilola and others 'Patriarchal hegemony and second sex in Chimamanda Adichie's *Purple Hibiscus*' (2016) 14 3 *Gender & Behaviour* 7882 at 7883.

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say in her reproductive health. Why does Beatrice keep getting pregnant when she is aware her husband is violent and has a hand in the miscarriages? Is it possible that her husband will have forced an abortion specifically on the day he placed a table on her abdomen and jumped on it? The World Health Organisation (WHO) in their publication on safe abortion states that violence against women in the home leads to unwanted pregnancy. [344] What is unclear is if Beatrice genuinely wanted a baby or it was to appease her in-laws. Why did Beatrice not take contraceptives? There are no clear answers but from *Purple Hibiscus* readers can map-intersecting issues such as religious and cultural loyalty, patriarchy, violence, fear that explain why Beatrice seems paralysed to decide over her sexual and reproductive health.

If African women struggle to get contraceptives, then getting an abortion is a momentous task. Colonialism, religion, politics, and modern discourses such as pro-life narratives mar the debate on abortion in Africa. British colonisers of Nigeria and Zambia brought their religious influences of abortion as sinful and ungodly. Katrak expounds that the obsession with obliterating sexuality is an attempt to reach the peak of spirituality where one finds joy in the meeting of physical and divine.[345] In addition, to attain this godly peak, one needed to discipline the physical body and its needs through abstinence, fasting and physically beating the body.[346] Sexuality becomes associated with spirituality. Therefore, colonialists applied that same principle to abortion as a sin that goes against the order of spirituality. One of the most vocal religious organisations, the Catholic Church excommunicated women and those who assisted them to abort.[347] However, it is possible pre-colonial Africa was aware of abortion as an option open to African women. Andreana C Prichard narrates an incident that upset an Anglican priest in Zanzibar, of three African young women who took *dawa* a local medicine to induce abortion.[348] This shocked the priest much more in contrast; African members of his congregation were not shocked.[349] This assumption is pregnancy termination

[344] WHO *Safe abortion: technical and policy guidance for health systems* (2012) 12.
[345] KH Ketura *Politics of the female body: postcolonial women of the third world* (2006) 14.
[346] KH Ketura *Politics of the female body: postcolonial women of the third world* (2006) 14.
[347] Z Munson *Abortion politics* (2018) 45.
[348] AC Prichard '*A 'Grievously Sinful Attempt to Destroy the Life Which God Has Given:" Abortion, Anglicanism, and Debates About Community Composition in Twentieth-Century Zanzibar'* in A Stettner and others (eds) *Transcending borders: Abortion in the past and present* (2018) 68 at 68-69.
[349] AC Prichard '*A 'Grievously Sinful Attempt to Destroy the Life Which God Has Given:" Abortion, Anglicanism, and Debates About Community Composition in Twentieth-Century Zanzibar'* in A Stettner and others (eds) *Transcending borders: Abortion in the past and present* (2018) 68 at 68-69.

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was well-known and accepted practice within the community.[350] The priests settled on a punishment for the women who had been pregnant out of wedlock. The current discourse on abortion may be a colonial and religious legacy.

Discourses exist to either dissuade or persuade African women to decide abortion murk the water even more. Religious, cultural, and ethical discourses are the most common. The common denominator of these discourses is their ability to convince African women that abortion is wrong. Some of the challenges around abortion are access, shame, poor health facilities, cultural and religious influence to mention a few. In *Patchwork*, Pumpkin relates how her friend BaDodo lost her life after a botched abortion, which one of the women in the community performed on her.[351] Pumpkin did witness Uncle Mwanza rape BaDodo.[352] The BaDodo example highlights several issues that challenge African women to encounter.

Firstly, the rape of BaDodo is a crime the Tudu court community must have reported but it was not. I note that this also places the burden on BaDodo or Pumpkin to report the crime, yet they are children. BaDodo lost her mother and was not in school, which left her vulnerable to abuse. Other children at Tudu Court knew Uncle Mwanza was a paedophile.[353] However, Uncle Mwaza continued to exist within proximity to his victims and future victims. Ebila notes that in postcolonial states African women are susceptible to assaults from state apparatuses.[354] This implies that the state fails to protect the vulnerable in society when it fails to fulfil its obligation to its citizens. BaDodo should have been at school but there were not enough high schools. This stretches the gap of inequality between men and women. Any loopholes in the state systems that fail to facilitate justice for African women or that fails to protect them from violence is tantamount to an instigator of violence itself.

Secondly, an unskilled person performed the abortion. There is no record in *Patchwork* of the police arresting the perpetrator of the illegal abortion and later the death of BaDobo. The WHO states that only skilled personnel should administer abortions using the correct skills in

[350] *AC Prichard 'A 'Grievously Sinful Attempt to Destroy the Life Which God Has Given:" Abortion, Anglicanism, and Debates About Community Composition in Twentieth-Century Zanzibar' in A Stettner and others (eds) Transcending borders: Abortion in the past and present (2018) 68 at* 68-69.
[351] E Banda-Aaku *Patchwork* (2011) 128.
[352] E Banda-Aaku *Patchwork* (2011) 22.
[353] E Banda-Aaku *Patchwork* (2011) 22.
[354] F Ebila 'A proper woman, in the African tradition': The construction of gender and nationalism in Wangari Maathai's autobiography *Unbowed*' (2015) 52 1*Tydskrif Vir Letterkunde* 144 at 153.

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a hygienic environment.[355] In 1972, Zambia passed the Termination of Pregnancy, which was supposed to relax the stringent colonial law on abortion.[356] The same Act states that abortion should take place in a registered hospital by a specialist doctor.[357] It is around the same historical frame that *Patchwork* is set. Therefore, BaDodo could have had a medical abortion. On the other hand, since BaDodo shied away from seeking professional service, can prohibitive law be the reason why she chose 'backyard' abortion. Many countries in Africa give specific reasons for the performance of abortion save for Cape Verde, South Africa, and Tunisia that do not put restrictions.[358] Zambia does give African women the liberty to have an abortion barring the length of the pregnancy. Marte E S Haaland and others, outline conditions for legalised abortion in Zambia, thus explain that Zambia permits abortion for medical and socio-economic reasons.[359] Assuming BaDodo was aware of the existence of abortion services, why did she not make use of them. One of the reasons is that the Termination of Pregnancy Act was drafted based on the United Kingdom Abortion Act of 1967.[360] Some of its aspects neither apply to the environment of the newly independent Zambia nor cases of vulnerable girl children like BaDobo. The Termination of Pregnancy Act came attached with the same colonial attitude of criminalising abortions done outside those prescribed in the Act. BaDobo did an abortion outside the confines of the Act. It was such a criminal offence for her and the person who performed it. Zambia only decriminalised the criminal code in 2005 so that girls who are victims of rape can seek legal termination of pregnancy.[361] BaDobo like many other young girls and women before 2005 may have fallen victim to the law that was supposed to earn them justice.

Tamale, in response to the Nigerian A Bill for an Act to Punish and Prohibit Sexual Offences and Other related matters of 2008, notes that the contents of the Bill were direct import from

[355] WHO *Safe abortion: technical and policy guidance for health systems* (2012) 21.
[356] MES Haaland and others 'Shaping the abortion policy – competing discourses on the Zambian termination of pregnancy act' (2019) 18 20 *International Journal for Equity in Health* 1 at 2.
[357] MES Haaland and others 'Shaping the abortion policy – competing discourses on the Zambian termination of pregnancy act' (2019) 18 20 *International Journal for Equity in Health* 1 at 2.
[358] 'Abortion in Africa March 2018' https://www.guttmacher.org/fact-sheet/abortion-africa (Accessed 3 April 2020).
[359] MES Haaland and others 'Shaping the abortion policy – competing discourses on the Zambian termination of pregnancy act' (2019) 18 20 *International Journal for Equity in Health* 1 at 2.
[360] MES Haaland and others 'Shaping the abortion policy – competing discourses on the Zambian termination of pregnancy act' (2019) 18 20 *International Journal for Equity in Health* 1 at 2.
[361] MES Haaland and others 'Shaping the abortion policy – competing discourses on the Zambian termination of pregnancy act' (2019) 18 20 *International Journal for Equity in Health* 1 at 2.

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the former coloniser laws that were prejudiced against African women and their sexuality.[362] Tamale adds that the Nigerian Bill also gave the mandate of teaching morality to religious organisations.[363] Zambia declared itself a Christian nation in the preamble of its Constitution.[364] Since Zambia declared herself a Christian nation with the majority of Zambians identifying as Christians, it follows that Christian ethics determine a lot of laws and systems. This move replicates the colonial administration mode of operation that sought to join law and religion to control the colonised in the colonies. In post-independent Africa, such systems that join politics, law and religion exist to the detriment of the place of African women in Africa. Ba Dodo is a victim of these systems as if it was not prohibitive laws, it was the religious moral demands that were a constant threat and then it was the systems of governance that tends to overlook girls and women in the society.

The following section concludes the discussion of the chapter.

3.5 CONCLUSION

This chapter explores what *Purple Hibiscus* and *Patchwork* reveal about the lives of African women. To understand the African women in the two novels I give a brief outline of the African women characters to understand the exploration of the overall problem, which is to consider the plight of African women and the failure of law and human rights to respond to it.

At the core of the challenges that *Purple Hibiscus* and *Patchwork* reveal are the systems of colonialism, patriarchy and modernity that control the place of African women in society. Modernity as a grand narrative tends to overshadow the challenges of African women considering them as a homogenous group, therefore, removed from reality. It is equally important to name the challenges that confront African women to deconstruct them. African female written novels offer African experiences that are largely missing in grand narratives.

To begin with, I look at the misconception of a family home as a safe space or haven for African women. Both novels reflect that it is not so. Homes as private spaces are where the abuse takes place with little intervention from the law. What comes out strongly in this discussion is the role patriarchy and colonialism play in determining safe spaces. Patriarchy

[362] S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *Africa Human Rights Law Journal* 150 at 163.
[363] S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *Africa Human Rights Law Journal* 150 *at* 163.
[364] Constitution Of Zambia 1991 (as amended 1996).

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and colonialism are forces that control the space that African women occupy and determine the use of those spaces. Since law functions less in the private space of African women, it means safe spaces that are in the private space are vulnerable to violations.

Adichie and Banda-Aaku write the challenge of silence at different depths but that still represents the ranges of silence that African women experience. I explain how silence is a tool of patriarchy that operates to inhibit justice for African women. I explain the deep psychological trauma that patriarchy and colonialism leave on African women's psyche such that they would normalise violent behaviour from those they trust. The highlight of this challenge is the different interpretations of silence that attempt to either control or liberate the voice of African women. Not all silences are collective. Every silence is unique to the experiences of each African woman.

The emergence and survival of the atypical African woman depends on the death of patriarchy and colonial legacies that continue to disseminate an enlightenment type of a woman as ideal. Renegotiating the identity of African women is a key that releases her from the clutches of patriarchy, colonial and religious constructs. Colonialism, culture, religion, and patriarchy determine where, when and how African women can exist. These systems continue to socialise African women as secondary to men. Religious and cultural ceremonies are sites of power and control that continue to preserve the image of reserved, downtrodden and submissive African women. Sadly, the patriarchal does not question how African women process some ceremonies that determine their identities as wives, mothers, prostitutes and widows. These limit the extent to which African women can participate meaningfully not only in society but also in the meaningful development of their lives. There can be little progress if the identity that African women carry fails to avail them of opportunities.

A gap exists in the area of sexuality of African women. The sexuality space faces severe challenges and remains out of reach for many African women. African women do not own their sexuality. Shame and silence mire the current discourse on sexuality of African women, which limits them from enjoying their sexuality. What is vivid in this argument is that patriarchy in all its various facades such as religion, law and culture have and still determines the sexuality of African women. Equally, these patriarchal discourses emerge in the contraceptive and abortion debates. Regulating the bodies of African women through religion, culture and legal means is a constant with a little solution in sight.

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Overall, the impact of modernity on the position of African women and their challenges are present across various institutions. Colonialism as an equal yoke of Enlightenment replaces the pre-colonial position of African women and maintains that oppressive and subjugating position.

Enlightenment ideals still regulate and monitor African women in the modern world in the form of laws, religion, and culture. This chapter shows the importance of African women written narratives that expose and dismantle challenges confronting African women that would otherwise remain in the margins of grander discourses.

The next chapter explores the characteristics of the traditional *Bildungsroman* and the feminist critique of it.

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CHAPTER 4: MAIN FEATURES OF *BILDUNGSROMAN* AND THE FEMINIST CRITIQUES OF IT

'They say a man admires the roof of another man's house because the roof is all he sees.'[1]

4.1INTRODUCTION

The main research problem of this study is to consider the plight of African women and the failure of human rights to respond fully to it. Chapter 2 examines the features of legal modernity and human rights. In Chapter 3, I cover what the novels, *Purple Hibiscus* and *Patchwork* reveal about the lives of African women. In this chapter, I explore the features of the *Bildungsroman* and the feminist critique of it.

This chapter draws on the assumption of human rights as a success story, a coming-of-age story, told in a parallel way to that of the classic *Bildungsroman*. In addition, I draw a nexus between the *Bildungsroman* genre and modernity and its mutual relation to the human rights narrative today. The story of human rights is similar to that of the classic *Bildungsroman* and modernity, that of progressive development. This denotes humans experience a distinct shift from ancient to modern, from savagery to civility, from a desolate life to self-realisation and success. The classic *Bildungsroman* like the human rights narrative captures the condition of Man. The classic *Bildungsroman* best captures this shift as a form of modern literary writing that mirrors the Enlightenment story. For compact comparative arguments, I use examples from *David Copperfield* and *Oliver Twist* (see Appendice B for a summary of the texts) by Charles Dickens, which closely resembles the classic *Bildungsroman*.[2] From the study of these texts, I appreciate the eighteenth-century culture, beliefs, society, and their relationship to women. In addition, I demonstrate the classic *Bildungsroman* as hostile and oppressive towards African women and their attainment of independence outside of men.

[1] E Banda-Aaku *Patchwork* (2011) 215.

[2] The work of Charles Dickens represented in this chapter falls within the Enlightenment period in England. Dickens wrote five *Bildungsroman* novels in his lifetime. In this study, I do not explore arguments around the validity of the texts referred in this chapter as 'perfect' *Bildungsroman*. However, *Oliver Twist* is not atypical *Bildungsroman*; it has some satirical elements to it. *Oliver Twist* and *David Copperfield* depict gender, class, and social inequality in the Victorian society. Dickens illustrates several classes of women from prostitutes to women of the manor. I consider those representations of the Victorian women relevant to the feminist critique of the classic *Bildungsroman*.

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The first section explores the features of the traditional *Bildungsroman* beginning with the journey of the protagonist that is the first step of self-discovery. The structure of the classic *Bildungsroman*; the linear plot concerns knowledge and integration into the society and spiral movement to the spiritual fulfilment of the protagonist. The classic *Bildungsroman* emphasises the significance of family and relationships in the building of an enlightened individual. The self-realisation feature demands a loss of self-will of the protagonist, which leads to maturity and independence. Maturity and independence as the last feature serve as the culmination and evidence of the success of the enlightenment process that produces a fully cohesive individual into his society. *David Copperfield*[3] and *Oliver Twist* [4] illustrate these features.

The second section of the chapter discusses the feminist critique of the *Bildungsroman* genre. Guiding this examination is a feminist lens to deconstruct the traditional *Bildungsroman*. The feminist critique of the classic *Bildungsroman* redefines and explores femininity beyond what the patriarchal version of femininity prescribes and inks. Feminists challenge the absence of gender issues in the traditional *Bildungsroman* as a deliberate denial of the gender differences that exist in the journey of progress.[5] The male protagonist prototype reaffirms the erroneous assumption of the male journey as applicable to African women too. Therefore, feminist analysis demonstrates distinct differences between the male plot projection and the female one. This explains why feminists denounce the fallacy of happy endings that the classic *Bildungsroman* assumes apply to all humans. The reality is the classic *Bildungsroman* world is no place for women, let alone African women. In addition, this section draws the link that exists among the *Bildungsroman* genre, modernity, and the failure of human rights to respond to the plight of African women. The African female *Bildungsroman* and the female *Bildungsroman* grew out of either dissatisfaction or mere exploration of the initial traditional *Bildungsroman*. These other types of *Bildungsroman* offer alternatives to a *bildung* story. I pay particular attention to the African female *Bildungsroman* in my argument as I apply *Purple Hibiscus* and *Patchwork* (see Appendice B for discussion of the texts) in this study.

The last section of this chapter explores the similarities that the classic *Bildungsroman* shares with the human rights narrative. How does the traditional *Bildungsroman* represent the

[3] For summary of *David Copperfield,* see Appendix B.
[4] For summary of *Oliver Twist*, see Appendix B.
[5] I realise the term gender is broad that besides referring to either female or male sex also refers to a range of identities that do not correspond with traditional ideas of male and female.

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human rights narrative? What is the impact of that relationship on the challenges that confront African women? Joseph Slaughter regards the system of human rights as a 'plot for keeping the broken promise of Enlightenment'.[6] The classic *Bildungsroman* and human rights reconcile the individual and the society to create a 'harmony'.

Most important is that the classic *Bildungsroman* and human rights are both products of modernity. This chapter also explores the relationship and influence of modernity on the classic *Bildungsroman* and human rights. Ultimately, the existence of the link to modernity that the classic *Bildungsroman* and human rights have exposes the reasons why human rights have not been successful in addressing challenges that confront African women.

4.2FEATURES OF THE CLASSICAL *BILDUNGSROMAN*

To begin with, I attempt to define the concept of *Bildungsroman* before I examine its features. Tobias Boes in a historical survey of the modernist trends of the *Bildungsroman* acknowledges the difficulties of defining and confining the term *Bildungsroman*.[7] The genre has evolved to suit various needs and conditions of writers from across gender, race, and creed. Stella Bolaki, writing about unsettling the *Bildungsroman*, confirms that the adaptive nature of the *Bildungsroman* type suggests it is useful in any context, history, and culture.[8] However, the scholarly arguments of what and why a text is a *Bildungsroman* are outside the scope of this study. Despite the variations of what constitutes a *Bildungsroman*, some characteristics of the form are non-negotiable canonically. Susan A Gohlman, in the account of the task of a protagonist in a *Bildungsroman*, informs that Johann Wolfgang von Goethe of *Wilhelm Meister's Lehrjahre (Wilhelm Meister's Apprenticeship)* defines the genre as a vision of mutual progress of the individual and their environment until a successful merging of the two.[9] This implies that the genre advocates for seamless and efficient progress and merging of both the individual and their environment. Franco Moretti, in his description of the European *Bildungsroman*, refers to the *Bildungsroman* as a novel of youth.[10] In addition, Moretti in the same text refers to it as a symbol of modernity.[11] Boes explains that Moretti believes that the youth not the journey of a protagonist defines the characteristic of the

[6] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 92.
[7] T Boes 'Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 230.
[8] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011) 9.
[9] SA Gohlman *Starting over: The task of the protagonist in the contemporary Bildungsroman* (1990) x.
[10] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000) 5.
[11] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000) 5.

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Bildungsroman.[12] Ogaga Okuyade, examining the new Nigerian novel and the *Bildungsroman*, notes that a *Bildungsroman* is a narrative of growth, fictional biography and may share similarities to an autobiography.[13] For example, *David Copperfield* reflects the life of Charles Dickens as a young boy who lost his family and had to work in a workhouse much like David. From the definitions, four features stand out: the individual (youthful), environment, the process of change, and harmonious accomplishment. The *Bildungsroman* is a symbol of modernity as it carries the youthfulness and vivacity of all things new and progressive.[14] Next, I explore the features of the classic *Bildungsroman*.

4.2.1 The protagonist on a journey

The young male protagonist

One of the key features of the traditional *Bildungsroman* is its focus on the male European subjects' apprenticeship to adult life. Mikhail M Bhaktin, philosopher and literary critic, admires the intricacy and vibrancy of Goethe's idea of realism therefore, writes that the *Bildungsroman* describes an image of a male on his journey of becoming.[15] Bhaktin observes that the development of the male protagonist is in unison with the emergency of the world.[16] In other terms, the male protagonist mirrors the journey of the world from one stage to another. Enlightenment reason shifts the world from violence to politeness. The world like the protagonist begins hesitant and chaotic but with much guidance and influence, the world gains reason through advances in science and other fields. Maria Karafilis examines the revisions of the *Bildungsroman*, echoes Bhaktin that the *Bildungsroman* follows the growth of the male protagonist.[17] Okuyade acknowledges the *Bildungsroman* favours the male

[12] T Boes 'Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 236.
[13] O Okuyade 'Weaving Memories of Childhood: The New Nigerian Novel and the Genre of the *Bildungsroman*'(2011) 41 2-3 *Ariel: Review of International English Literature* 137 at 142.
[14] SA Doğangün (2019) 'Hari Kunzru's The Impressionist and the Mimic Bildungsroman' (2019) 18 *Gaziantep University Journal of Social Sciences* 159 at 160.
[15] MM Bakhtin "The Bildungsroman and Its Significance in the History of Realism (Toward a Historical Typology of the Novel)" in C Emerson & M Holquist (eds) *Speech genres and other late essays* Trans VW McGee (1986) 10 at 19.
[16] MM Bakhtin "The Bildungsroman and Its Significance in the History of Realism (Toward a Historical Typology of the Novel)" in C Emerson & M Holquist (eds) *Speech genres and other late essays* Trans VW McGee (1986) 10 at 23.
[17] M Karafilis 'Crossing the borders of the genre: Revisions of the *Bildungsroman* in Sandra Csinero's *The house on Mango street* and Jamaica Kincaid's *Annie John* (1998) 31 2 *The Journal of the Midwestern Language* 63 at 68.

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protagonist as the intentional gendered pronoun.[18] The intentional gendered pronoun demonstrates the privilege of the male protagonist. In addition, literature as the mirror of society demonstrates male privilege in reality. Furthermore, the masculine pronoun 'he' is synonymous with the image of the protagonist in the traditional *Bildungsroman*.

The classic *Bildungsroman* core is to form the identity of an individual therefore; his tender age makes that possible. The concern of the eighteenth and nineteenth-century Germans was about what it suggests to be German. Todd Kotje, a German and comparative literature scholar asserts through the German *Bildungsroman* that the *Bildungsroman* represents a political genre that explores in various ways the relationship between the cultural nation and the political state.[19] In other terms, to the Germans, it was not solely about the formation of the identity of an individual but also of the state. The idea of the classic *Bildungsroman* as a political form indicates the radical position of the genre in society. This genre holds the strength to bind the individual and the state to achieve a mutual goal.

Historian, John Breuilly, on an account of nineteenth-century Germany, notes that German society struggled to decide unanimously on the notion of German national identity.[20] In addition, the German Empire consisted of 26 constituent territories or principalities, most ruled by royal families, which emerged after the collapse of the Holy Roman Empire.[21] The *Bildungsroman* represents a certain part of the German society that was strong enough to influence socio-cultural German belief. Boes observes that the *Bildungsroman* represents a response to the social conditions of German principalities.[22] At that time, Germany was under oppressive state power and the lack of a valid public sphere during the Romantic period led to the formation of novels that highlighted egoistical protagonists who withdrew from active engagement with the social world.[23] The bourgeoisie were the primary stimulus for the *Bildungsroman* genre. Breuilly notes several rival philosophies of radicalism, socialism,

[18] O Okuyade 'Weaving Memories of Childhood: The New Nigerian Novel and the Genre of the *Bildungsroman*'(2011) 41 2-3 *Ariel: Review of International English Literature* 137 at 144.
[19] T Kotje 'The German tradition of the Bildungsroman' in S Graham (ed) *The history of the Bildungsroman* (2019) 10 at 11.
[20] J Breuilly *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2020) 343.
[21] ABF Carnabuci *The sole palladium* (2020) 21.
[22] T Boes Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 232.
[23] T Boes Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 232.

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religion, and conservatism as attractive to a young man.[24] In precis, the diversity of ideologies makes it possible that the traditional *Bildungsroman* pursues a specific ideology that defends its beliefs and attracts young males to it.

I register that the traditional *Bildungsroman* encourages harmony between the individual and the society, which denote that it shapes the identity of the young man. If the *Bildungsroman* encourages the young man to go on a journey, they may discover something about themselves. Yet society demands that the young man must harmonise with the rest of his society. I consider this situation generates tension that the genre seems to ignore. The classic *Bildungsroman* similar to the narrative of modernity assumes that individuals and things can en-masse behave in a similar fashion, which is improbable. This implies the far-fetched ideals of the classic *Bildungsroman* seemingly deny that individuals can choose to behave in whatever way pleases them. An attempt to control behaviour may result in rebellions. The eighteenth and nineteenth-century society believed in classes and behaviours associated with them, the same society could not maintain those for long. People quickly realised that social classes came with certain privileges and drawbacks, which created tensions that resulted in revolutions.[25] Therefore, the *Bildungsroman* was an attempt to school a young man against the pitfalls of rebelling against his society. This is representative of the effects of modernity, the lack of constancy to maintain certain things without metamorphosis.

There are two possible explanations why the traditional *Bildungsroman* favours male protagonists. Firstly, Francois Joist offers a postmodern reading of the *Bildungsroman* that identifies the *bildung* with creation myth: man-made in the image of God, therefore, the word *bildung* reaffirms patrilineage.[26] I assume that since God is 'male' and he made man in his image, therefore, the man God created is a god too. Like God, man possesses the right to create and chart a path to the future he would like to see. Similarly, it signifies that the earthly man is as powerful as his maker is. However, the power that man possesses overarches. Man creates and defines the woman. In support of that view, Lorraine Code, examining feminist theory and construction of knowledge notes, that the epistemology of the majority functions

[24] J Breuilly *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2020) 343-4.
[25] L Abrams & PL Ceballos 'Exploring classism & internal classism' in DC Stuurm & DM Gibson (eds) 'Social class and the helping professions: A clinician's guide to navigating the landscape of class in America' (2012) 176 at 177.
[26] F Joist *Introduction to comparative literature* (1971) 147.

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from entrenched suppositions about who can be omniscient.[27] Men as creators claim cognitive authority over women thus excluding their experiences and thoughts. As a novel of education, the traditional *Bildungsroman* exercises the identical power that God possesses, to construct something the way that gratifies him.

Religious beliefs of eighteenth and nineteenth-century Europe provide a fertile ground that reaffirms the divine right of a male as the legitimate protagonist in a traditional *Bildungsroman* novel. Males as owners of that position enjoy the right to be independent, to learn, to have creative freedom, and personal satisfaction. Of interest, is that the classic *Bildungsroman* novel reflects the religious psyche of that period. This shows the convergence of the world of the text and that of the real world. [28] This convergence seems true for the classic *Bildungsroman* privileges males as a protagonist on grounds of religious beliefs. The classic *Bildungsroman* as a cultivation text grooms the reader to believe religious philosophy as a credible source of knowledge.

Secondly, the traditional *Bildungsroman* narrative reaffirms the eighteenth and nineteenth-century beliefs of women as subservient and ordinary with no grand life plans.[29] The traditional *Bildungsroman* narratives illustrate males as possessing abundant opportunities to pursue with the blessing of society. Imperial Germany was patriarchal; women were legally second-class citizens.[30] Many middle-class women recognised they could merely obtain economic security through marriage.[31] The England of Dickens was no different in her treatment of women. I consider this one of the possible reasons why the classic *Bildungsroman* resonates with the Victorians. Both societies share the same outlook on femininity.

Femininity, chastity, politeness was all virtues Victorians valued and expected to find in women. Anthony S Wohl, in Victorian family structures, explains that Victorians treasured

[27] L Code *What can she know?: Feminist theory and the construction of knowledge* (2018) xi.
[28] XJ Kennedy and others (2009) *Handbook of Literary Terms* (2009) 64.
[29] T Morrison & M Hong Kingston 'Rethinking the *Bildungsroman*: the politics of rememory and the *bildung* Of ethnic American women writers' in P Cheng *The female Bildungsroman by Toni Morrison and Maxine Hong Kingston : A postmodern reading* (1998)1 at 3.
[30] L Abrams 'Contexts of the novel: society, politics and culture in German-speaking Europe, 1870 to the present' in G Bartram *The Cambridge companion to the modern German novel* (2006) 15 at 16.
[31] L Abrams 'Contexts of the novel: society, politics and culture in German-speaking Europe, 1870 to the present' in G Bartram The Cambridge companion to the modern German novel (2006) 15 at 16.

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their home and family life.[32] Roles that each individual performs in the home determine their worth. In addition, Wohl writes that the husband is the legitimate power while the wife remains the tender influence in the home.[33] This implies that man is the valid authority, which presents them as hard and invincible while women remain the gentle power, which is soft, and conquerable if need be.

The description of the authorities in the Victorian home because of gender reveals the power dynamics at stake. Dickens in *David Copperfield* (see Appendice B) illustrates this scenario as David's mother defers to her second husband's opinion about schooling David. Mr Murdstone insists on firmness and quickly reproves the softness of his wife towards David.[34] As a man, Mr Murdstone is the legitimate authority in his home while David's mother remains the gentle authority. Even much more pertinent is that a Victorian home is a place where parents or guardians first teach subservience and how a man can grow into a good citizen.[35] Such strict gender roles in the Victorian home seem good and praiseworthy to the bourgeoisie society yet they perpetuate and assert the patriarchal system.

Christian Haas, who examines the role of women in the novel *Dracula*, notes that Victorians frowned at women who attempted to earn their living or self-support.[36] In addition, Haas explains that law and custom excluded women from working skilled jobs, owning property therefore; the exclusive option available to Victorian women was marriage.[37] The irony is Queen Victoria was in power and she encouraged the education of women but not their suffrage.[38] In essence, Victorian age society heavily contested the role of women. Industrialisation brings a shift in gender roles, inevitable for the Victorians. Women who chose or circumstance forced them to work for example, as sex workers or in the Victorian language as prostitutes; society heavily ostracized. Soile Ylivuori, while writing on women and politeness in eighteenth-century England, interprets that the Victorian demand for politeness from women acts as a mould of supremacy and information.[39] Victorians expected politeness from every one of their members yet attached politeness rigidly to women as both

[32] AS Wohl (ed) *The Victorian family: structures and stresses* (2016) 9.
[33] AS Wohl (ed) *The Victorian family: structures and stresses* (2016) 9.
[34] C Dickens 'David Copperfield' 71 https://www.planetebook.com/free-ebooks/david-copperfield.pdfhttps://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 30May 2020).
[35] AS Wohl (ed) *The Victorian family: structures and stresses* (2016) 9.
[36] C Haas 'The role of women in Braam Stoker's "Dracula"' (2015) 2.
[37] C Haas 'The role of women in Braam Stoker's "Dracula"' (2015) 2.
[38] C Haas 'The role of women in Braam Stoker's "Dracula"' (2015) 1.
[39] S Ylivuori *Women and Politeness in Eighteenth-Century England: Bodies, Identities, and Power* (2019) 37.

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a quality and a vice. In practice, it exposes the power dynamics within the Victorian society that highly favours males as classic *Bildungsroman* demonstrates. Victorian females were as meek and accepting of the authority of males in and outside their homes. It follows, that the *Bildungsroman* reaffirms those power dynamics when it sets the male as a protagonist in a narrative of human development.

The *Oliver Twist* plot focuses on males while females occupy a supportive role in the plot. Agnes' name, readers only know at the end of the story but throughout society identify her as a prostitute and a weakling.[40] Victorian bourgeois standards judge a woman with a bastard child as a shame to their society. Nancy, Fagin's mistress, Victorian society classifies as a prostitute who protects and saves Oliver. Nancy fails to receive a hero status in Victorian society. While writing *Oliver Twist*, Dickens was aware of social and gender inequalities therefore, may have chosen to change the narrative of women. Another woman is Rose who seems to hold the ideals of Victorian womanhood. However, like the other two, Agnes and Nancy, she is there to help Oliver achieve his place in society. What the positions of Agnes, Nancy, and Rose demonstrate is how trivial and obscure are their journeys and story to Victorian society. Their journeys are single words; Agnes is a prostitute and a weakling, Nancy is a prostitute, Rose is an aid. None is a protagonist of their stories. Alarmingly, although Bhaktin confirmed that the progress of the male protagonist is in accord with the emergence of the world,[41] the reality is that the world seems continuously fails to emerge with women like Agnes, Nancy, and Rose.

The journey would not only test the grit and virtues of the protagonist but also educate him about his purpose in life. Melanie Hacke, discussing the damaging effect of modernity points out that the first phase of socialisation is for the protagonist to leave his home.[42] Sarah Graham in an account of the history of the *Bildungsroman* expounds that the journey of the protagonist has numerous types of tests that culminate with enlightenment.[43] The notion is that exposure to the world enlightens the young man about it. Leaving home is also about the experience. Experience educates and forms an identity. In addition, experience involves acquiring an understanding of the human condition while learning autonomy and

[40] http://www.planetebook.com C Dickens *Oliver Twist* 641 (Accessed 19 January 2019).
[41] MM Bakhtin "The Bildungsroman and Its Significance in the History of Realism (Toward a Historical Typology of the Novel)" in C Emerson & M Holquist (eds) *Speech genres and other late essays* Trans VW McGee (1986) 10 at 23.
[42] M Hacke 'Uprooted by modernity' (2019) 74 *Orbis Litterarum* 116 at 117.
[43] S Graham (ed) *A history of the Bildungsroman* (2019) 120.

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civilisation.[44] The journey is part of an experience that enlightens the young man into self-governance. An experience is a form of apprenticeship that the young man can only acquire after he leaves home.

The journey is also a site of debate. The protagonist confronts issues and conditions that need him to rethink and realign his decisions at every step of the journey. According to Meredith Miller, who explores the lesbian, gay, and transsexual in a *Bildungsroman*, the environment of the protagonist compels him to confront the desire to fulfil his will versus the societal one.[45] Humans are born within an inner will to pursue what they want. Tensions can arise from making choices of sexuality, morality, religion, and politics amongst other contentious choices familiar to the class-conscious eighteenth and nineteenth-century European society. The traditional *Bildungsroman* examines that individual will against the tempting worldly intricacies. In *Oliver Twist*, the protagonist Oliver leaves for London after an altercation with the Sowerberrys.[46] The altercation is a moment that Oliver takes to choose his interests. Oliver chooses his will to prevail over that of his abusive keepers. This move to London harmonises perfectly with the modernity narrative because London represents a place of progress.

Oliver finds life in London difficult and Dickens moves Oliver to the countryside with its unadulterated surroundings. Aleksandar Stević describes how the *Bildungsroman* falls short for the protagonist, such that the Dickensian *Bildungsroman* has deliberate narrative mechanisms in place that shield the protagonist from the wiles of capitalist modernity and guides him to a safe success.[47] In *David Copperfield*, Dickens continues confirming his discontent with city living and its link to capitalist modernity. Micawber acquires a substantial debt that leaves him in prison.[48] As soon as the application for the official release of Micawber is successful, he escapes with his family to the country Plymouth, far away from his creditors.[49] David feels at loss without the Micawbers that he resolves to move from

[44] CA Simon 'Morality, education and social ordering' CA Simon & G Downes (eds) *Sociology for education studies: Connecting theory, settings and everyday experiences* (2020) 48 at 54.
[45] M Miller 'Lesbian, Gay and Trans Bildungsroman' in S Graham (ed) *A history of the Bildungsroman* (2019) 239 at 240.
[46] C Dickens *Oliver Twist* 40 http://www.planetebook.com (Accessed 15 January 2020).
[47] A Stević *Falling short: The Bildungsroman and the crisis of self-fashioning* (2020) 52.
[48] C Dickens 'David Copperfield' 248 https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 24 May 2020).
[49] C Dickens 'David Copperfield' 261 https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 24 May 2020).

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London to Dover to live with Aunty Betsy.[50] David moving from London to Aunt Betsy signals a shift and change in not only his fortunes but also who he is as an individual. Seemingly, Dickens refuses the notion that individuals can find themselves in a world that modernity has infiltrated. Both Oliver and David have no fond memories of London as a place but rather the people they met there.

4.2.2 Structure of a traditional Bildungsroman

Linear plot

A typical *Bildungsroman* narrative follows a linear movement that is towards knowledge and assimilation into the society and a spiral movement, which is an upward movement about spiritual fulfilment.[51] This represents the typical story development in a classic *Bildungsroman*. The protagonist embarks on a holistic pursuit of his progress and society waits to embrace him. For example in *Oliver Twist*, readers can establish the movements of Oliver towards knowledge and assimilation into society. Born and orphaned in a workhouse under the harsh city of London conditions, Oliver's quest for a better life is in his famous request; 'Please, sir, I want some more'.[52] The Artful Dodger, Jack Dawkins teaches Oliver to steal and survive on the streets. Mr Sowerberry instructs Oliver on the funeral business.[53] One day the police catch Oliver and accuse him of stealing Mr Brownlow's pocket-handkerchief. Oliver through the police court case becomes aware of how to live within the acceptable standards of his society.[54] Oliver realises his spiritual fulfilment as he becomes aware of who the Artful Dodger and Fagin are and how their behaviour influences society. The story ends with Oliver having met his Aunt who happens to have a fortune in store for him. In addition, Oliver moves up the social ladder, and society readily accepts him. However, Victorian society accepts Oliver because of his fortune, his newly revealed parentage, and links to people who are part of the middle-class society. The middle-class society of the eighteenth-century frowned at illegitimate children and the poor. The spiritual and physical fulfilment for Oliver comes when he finally understands his identity, his worth,

[50] C Dickens 'David Copperfield' 261 https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 24 May 2020).
[51] T Morrison & M Hong Kingston ' Rethinking the *Bildungsroman*: the politics of rememory and the bildung Of ethnic American women writers' in P Cheng The female *Bildungsroman* by Toni Morrison and Maxine Hong Kingston: A postmodern reading (1998) 1 at 2.
[52] C Dickens *Oliver Twist* 1, 20 http://www.planetebook.com (Accessed 20 January 2019).
[53] C Dickens *Oliver Twist* 60-63 http://www.planetebook.com (Accessed 20 January 2019).
[54] C Dickens *Oliver Twist* 83-84http://www.planetebook.com (Accessed 201 January 2019).

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and when law serves justice to Fagin and the Bumbles. Dickens highlights those injustices in *Oliver Twist* even though he to some extent follows the *Bildungsroman* traditional form.

However, Dickens overlooks the purpose of the traditional *Bildungsroman* that is the individuals' pursuit of their growth. In *Oliver Twist*, Dickens pursues the rescuing of Oliver from the clutches of the atrocious social welfare and justice system that were punitive towards the poor. Stević explains that the conservative fixation of the (traditional) *Bildungsroman*, which demands the protagonist to pursue self-improvement, formal education, artistic development, professional aspirations, Dickens largely ignores.[55] In addition, Stević observes that David of *David Copperfield* achieves the ideal of bourgeois respectability through a fulfilling marriage and literary success, but neither his emotional maturation nor his literary career manages to wrestle the narrative focus away from the story of his rescue through Betsey Trotwood.[56] In short, while Dickens uses the linear structure in *Oliver Twist* and *David Copperfield* he still upsets the rhythm of the traditional *Bildungsroman* when he chooses to unfollow its expectations. Dickens denies the ability to self-realise outside the help of others. Self-development is not an individual journey but that which has others.

Conflict

In a traditional *Bildungsroman*, the main conflict is usually between man and society.[57] Hacke confirms that the traditional *Bildungsroman* conflict centres on society and self.[58] The nineteenth-century European world believed in the power of society in shaping the individual intellectually, morally, and socially. According to Wang-Yan Ma, the *Bildung* is a process, during that process, the thinking and behaviour of the protagonist yield clashes and ambiguities.[59] The clash of the ideology of the protagonist and that of his society produces conflict. Conflict is crucial to the formation of a character. Bolaki explains that the traditional *Bildungsroman* comes with an inbuilt prescription whose primary role is to ensure that an individual integrates into the existing social order after their quest.[60] This disregards the other types of conflict that may exist within the life of a protagonist. Novelists of the Restoration

[55] A Stević *Falling short: The Bildungsroman and the crisis of self-fashioning* (2020) 55.
[56] A Stević *Falling short: The Bildungsroman and the crisis of self-fashioning* (2020) 55.
[57] M Treagus *Empire girls: The colonial heroine comes of age* (2014)1.
[58] M Hacke 'Uprooted by modernity' (2019) 74 *Orbis Litterarum* 116 at 124.
[59] WY Ma 'Tar Baby's Bildungsroman' 2018 *DE Stech Transactions on Social Science, Education & Human Science* 355 at 355.
[60] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011)12.

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and Romantic Ages emphasised the individual living in harmony with others after having singularly found their vocation.[61] Therefore, traditional *Bildungsroman* novelists found the conflict of man versus society serves a greater purpose of maintaining order in what is a chaotic world. In explaining the motivation behind the traditional *Bildungsroman* conflict Moretti notes that the genre gives an idea of how the French could have avoided the French Revolution.[62] However, out of the chaos of the French Revolution came the Declaration of the Rights of Man and of the Citizen that ensured equality of all citizens and the protection of their rights. I do agree with Moretti because the German bourgeoisie was at the core of the *Bildungsroman* ideology therefore, the uprising from French poor governance, royal overspending, class struggles became a precursor of what could happen to Germany. It was imperative then to teach the young man how to find his vocation without upsetting his society.

The eighteenth century was the Age of Reason, several political and philosophical questions centred on who had authority and why. The traditional *Bildungsroman* narrative attempts to guide the responses to questions on authority through encouraging management of conflict within the confines of the interest of the society rather than that of the individual. Oliver faces conflict from society, the moment he is born parentless and 'illegitimate'. As note I earlier, historically, the middle class frowned on illegitimacy. The bourgeoisie frowned upon poverty although it was rife in the eighteenth century. Society paid much attention to wealth, status, and titles. Dickens' *Oliver Twist* denounces a life of crime as exemplified by the punishment that law meted to Fagin and others who were involved. The constant upheavals between the individual and collective values plague the *Bildungsroman* protagonist. It seems that society rewards triumph over these tensions as the protagonist finds their vocation, their wife, their family, and acceptance into the community.

How feasible is the traditional *Bildungsroman* suggestion of managing the conflict between man and society? Some *Bildungsroman* critics such as Marc Redfield and Fredric Jameson believe the *Bildungsroman* novel is unrealistic especially in its expectations of harmony to prevail always during a conflict.[63] The traditional *Bildungsroman* presupposes that society always has the interest of its people. In addition, it assumes the world is equal; therefore,

[61] *Prentice hall English tradition* (1989) 640.
[62] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000) 64.
[63] T Boes 'Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 230.

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disputes can be resolved through the reasoning and guidance of mentors. If that was the case, then wars, all forms of violence against African women, discrimination, and other social ills should easily resolve but these challenges persist. I note the root of this ideal in the global view of the world; that conflict is universally the same; it is resolved the same.

Although much of the attention in the traditional *Bildungsroman* is man versus the society, this overshadows the conflict of man versus self. Conflict of man versus self is a huge factor in a story of growth and change. In addition, the conflict of man versus self can relate to all characters.[64] The protagonist will only accept negotiating with the society after having won the argument within them. The traditional *Bildungsroman* undermines the power of self-will. The self is the starting point of reasoning. French philosopher Rene Descartes in explaining the self emphasises that the self can exist regardless of the world events.[65] Put in another way, Descartes believes the self is honest and independent such that worldly events such as racism, class struggles, gender to mention a few have little impact on it. Immanuel Kant, in giving another impression of self, declares that each person is a self-governing being capable of foreseeing courses of action that rise above any biological relationship.[66] Simply put, Kant assumes each individual is independent from other forces that are likely to influence themselves. The principle of autonomous self births the system of human rights.[67] In other words, all persons are eligible for human rights precisely because of the respect that each human self-merits in as much as it is an autonomous agent. Despite the assurances and confidence of the human rights system, African women still confront challenges that do not seem to abate. This study explores why human rights have not been successful in eradicating those challenges that confront African women.

What does the protagonist do in the course of the journey that results in conflict? Oliver gets embroiled in a gang that later lands him in courts. What lessons does the protagonist learn from that? Oliver becomes aware that he cannot associate with everyone and that he has to learn the art of trust. Not everyone deserves his trust. David in *David Copperfield* learns to make better decisions about love. His first marriage to Dora Spenlow did not fulfil him as

[64] C Kenner *Astrology for writers: Spark your creativity using the Zodiac* (2013) 57.
[65] A Borghini 'The self in philosophy: On the autonomy and ecological tie of a person' https://www.thoughtco.com/all-about-the-self-2670638 (Accessed 03 January 2020).
[66] A Borghini 'The self in philosophy: On the autonomy and ecological tie of a person' https://www.thoughtco.com/all-about-the-self-2670638 (Accessed 20 January 2020).
[67] A Borghini 'The self in philosophy: On the autonomy and ecological tie of a person' https://www.thoughtco.com/all-about-the-self-2670638 (Accessed 03 July 2020).

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much as his latter to Agnes. However, what remains are if the conflicts that the protagonists confront really form him or he merely succumbs to the greater societal pressure. Victoria Gordon in the account of the construction of identity in the *Bildungsroman* explains that psychologically, the protagonist may repress his deep instincts to protect himself.[68] This suppression of his instincts permits the protagonist to settle in his place in society. However, for how long will the protagonist oppose his self-will for the good of society if he is not content with his status quo? Much of the tension the protagonist faces is evident in his interaction with family and relationships.

4.2.3 Family and relationships

The traditional *Bildungsroman* places emphasis on the family and relationships. In the case of *David Copperfield*, Dickens demonstrates that Victorians valued family and close relationships. Eighteenth and nineteenth-century Germans like Victorians equally valued family and relationship as demonstrated in the *Bildungsroman* novel. Ute Fervert, in a study on gender orders and disorders in nineteenth-century Germany, explains that the liberal Carl Theodor Welcker a German law professor, politician, and journalist understood family as the nursery of state and society.[69] Germans considered the family home a place where parents or guardians taught and ingrained values in all the members. Within that family, each member had a role that ensured that the family continues to function as a unit. Family and close relationships are sites of human formation. Besides that one is born into a family that can form them, one can also have close relationships that can equally do the same.

The influence of family could be either positive or negative but it is significant in the development of an individual visible to it. The *Bildungsroman* reflects the different influences different families and relationships have on an individual. The crux of the traditional *Bildungsroman* is to show the importance of the good moral development of an individual that maintains order in a society. Classic *Bildungsroman* writers deliberately carve characters that have had a good and bad influence. Dickens in *David Copperfield* demonstrates contrasting characters such as Uriah Heep whose false humility and mannerisms mask a deep-chequered character. Heep attempts to marry Agnes Wickfield for

[68] V Gordon 'Identity-Construction and Development in the Modernist Bildungsroman' (2016) 3 *Senior Thesis* at 8.
[69] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2020) 279 at 281.

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her wealth, becomes involved in fraud, and ends in prison.[70] Uriah Heep attempts all to get rich and join the bourgeoisie but none of those exercises delivers him what he desperately seeks. Dickens employs the character of Uriah Heep to demonstrate the irrationality of capitalist modernity. Stević enlightens that Dickens reduces Uriah Heep to a grotesque troubled hero of modernity.[71] In the character of Uriah Heep, Dickens exposes the detrimental effect of capitalist modernity that prevailed in London. David escapes the Uriah Heep influence despite that he had a traumatic childhood at the hands of his stepfather, Mr Murdstone, his step-aunt, Miss Murdstone, and the headmaster at Salem's house. These traumatic influences did not turn David into an irresponsible citizen. In David, Dickens shows the possibility of pure self-rising above circumstances that modernity creates as the universal meaning of success. David learns lessons on truth, integrity, patience from the life of Uriah Heep.

One of the features of the traditional *Bildungsroman* is the absence of the father-son relationship.[72] Generally, society associates fathers with the identity and genealogy of an individual. In other words, in the absence of a recognised father, some societies believe such a fatherless individual to lack identity and lineage. The absence of a father leaves a gap in the psyche of the protagonist. He desires to find who he is, therefore embarks on a journey. In *David Copperfield*, his father dies before he is born; his stepfather is far from a fatherly figure. As expected in the traditional *Bildungsroman*, David finds a replacement father figure or parent in his childhood nurse, Clara Peggotty. Dickens deliberately awards the father figure to a female while in *Oliver Twist*; Oliver gains Mr Brownlow as his new father. The inconsistencies that Dickens demonstrates between his two books could reveal his inner struggles with his world. *David Copperfield* is more of an autobiography that mirrors the life of Dickens. The same inner struggles Dickens has are reflected in his two books that do not necessarily conform to the pure characteristics of a *Bildungsroman*.

However, Julian Kuehn, in the exploration of *David Copperfield* and the traditional *Bildungsroman*, explains that modernity dismantles the continuity between generations.[73] The once father-son relationship that was evident in legacy preservation disappears in modernity.

[70] C Dickens 'David Copperfield' 857 https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 24 June 2020).
[71] A Stević *Falling Short: The Bildungsroman and the Crisis of Self-Fashioning* (2020) 52.
[72] P Golban *Victorian fiction as a Bildungsroman: Its flourishing and complexity* (2019) 323.
[73] J Kuehn 'David Copperfield and the Tradition of the Bildungsroman' (2018) 35 1 *Dickens Quarterly* 25 at 27.

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The traditional *Bildungsroman* gives the idea that with hard work, good social relationships upward mobility is possible.

Each person that the protagonist interacts with serves a purpose in forming him into an exemplary member of society. According to Marianne Hirsch who examines novel formation as a genre highlights that educators function as mediators and interpreters between the two confronting forces of self and society; companions assist as reflectors on the protagonist, standing for alternative goals and achievements; lovers provide the opportunity for the education of sentiment.[74] Alternatively, the individuals the protagonist meets not only have a specific function but also serve as a mirror into the many classes of people that make the society. In *David Copperfield*, Charles Mell is the gentle schoolmaster and a teacher of David. His contrast is the headmaster, Mr Creakle who is a tyrant and a flogger. Tommy Traddles and Richard Babley are companions to David. David had Little Em'ly, Dora Spenlow, and Agnes Wickfield as lovers.

Part of the journey of the protagonist in the traditional *Bildungsroman* is the ability to manage close relationships with people outside his family. Intimate relationships are critical for the protagonist as they allow him to be vulnerable thus prone to reveal areas that need development. Similarly, what manner of personal relationship can be too destructive or constrictive for the protagonist to finish his *Bildung*? The traditional *Bildungsroman* exposes the eighteenth and nineteenth-century social mores, especially how these governed the way people related to each other and for what reason. Intimate relationships in the traditional *Bildungsroman* challenge the protagonist to decide whether his will or the social mores of his society will prevail in that relationship. The novel of formation preserves the odd equilibrium between the social and the individual while it examines that collaboration.[75] An odd balance demands the individual to balance something beyond ordinary human effort. The traditional *Bildungsroman* believes that the universe gives humans the power to decide what is right. Hirsch writes that society serves as the antagonist in the novel of formation.[76] A substantial part of what the protagonist struggles within a novel of formation is his will against that of society.

[74] M Hirsch 'The Novel of Formation as Genre: Between Great Expectations and Lost Illusions' (1979) 12 1 *Genre* 293 at 298.
[75] M Hirsch 'The Novel of Formation as Genre: Between *Great Expectations* and *Lost Illusions*' (1979) 12 1 *Genre* 293 at 299.
[76] M Hirsch 'The Novel of Formation as Genre: Between *Great Expectations* and *Lost Illusions*' (1979) 12 1 *Genre* 293 at 297.

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In demonstrating intimate relationships of the protagonist, the traditional *Bildungsroman* loses its authenticity because it presents the protagonist as a passive character. According to Hirsch, although he learns and grows, the protagonist is an essentially passive character, a plaything of circumstance.[77] This passiveness constructs the perfect environment for the grooming of the protagonist. This begs the question of whether the protagonist is an active participant in his relationships. However, Giovanna Summerfield and Lisa Downward investigate the new perspectives in the European *Bildungsroman* but opt to consider the traditional *Bildungsroman* protagonist as both passive and active because the genre has more ambiguity than clarity especially on matters relating to gender.[78] I observe that the passivity of the protagonist emanates from his helplessly watching the world do what it wills and while he locates his place in it. The traditional *Bildungsroman* embodies the Victorian social systems that encouraged classes and separation. This class separatist system is evident in the struggles for self-realisation for both Oliver and David. Both Oliver and David hardly had much say in their relationships, as they are always a higher authority to dictate the flow and ebb of the relationships. In pursuing Dora, David had to seek permission from her father. Mr Spenlow rejects David as a credible partner for his daughter.[79] David was 'too poor' to afford Dora. The death of Mr Spenlow intervenes on behalf of David for him to marry Dora. This shows the absurdity but probably the reality of the Victorian social systems.

4.2.4 Self-realisation

Self-realisation is a stage but also an attitude that one can adopt towards life. Philosophically, there is more than one interpretation of what is self-realisation. There is certainly a dominance of Western and Eastern interpretations of this concept. The idea of African philosophy and self-realisation poses a challenge to the western interpretation of it. In this study, I will not apply the Eastern philosophy merely on the premise that overall, I seek to explore the impact of western modernity on African women and African women jurisprudence. In other words, how does the western interpretation of self-realisation influence the lives of African women? How does the interpretation of self-realisation define the way African women enjoy their rights.

[77] M Hirsch 'The Novel of Formation as Genre: Between *Great Expectations* and *Lost Illusions*' (1979) 12 1 *Genre* 293 at 296-7.
[78] G Summerfield & L Downward *New perspectives on the European Bildungsroman* (2010) 108.
[79] C Dickens 'David Copperfield' 822 https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 24 June 2020).

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Self-realisation is costly. The classic *Bildungsroman* demands a loss of self-will, a loss of freedom, and a loss of self. In addition, it is a project with contradictory views of what it means to reach a mark of self-realisation.

Kristine Tanajyan, from a civil society perspective, regards self-realisation in social philosophy as a stage an individual exhibits the concealed possibilities of his mental, social-psychological, characteristic features and qualities.[80] In other terms, the person is oblivious of the possibilities that lie dormant in them. It is only when confronting challenging situations that a person realises their hidden abilities. Tanajyan gives the traditional self-realisation as the formation of social-economic status, which is a constant process in the socialisation development of a person.[81] The Tanajyan definition seems to augur with the traditional *Bildungsroman* understanding of self-realisation for the protagonist. Mortimer Adler, in exploring individual freedom, defines self-realisation as freedom from external coercion, including cultural expectations, political and economic freedom, the freedom from worldly affections, etc.[82] Although I agree with Adler, that self-realisation should be an individual effort without outside influence; this view is contrary to the eighteenth and ninetieth-century ideology of self-realisation. The traditional *Bildungsroman* demonstrates that a young man cannot self-realise while against his society. For African women, the idea of self-realisation seems difficult outside the influence of patriarchy, colonialism and many other challenges. If African women attempt to self-realise within the patriarchal and postcolonial conditions of their societies, they risk regaining their place and identity in society.

The general traditional *Bildungsroman* thought pivots on German enlightenment and idealism. German enlightenment and idealism ideology dictate at the core of self-realisation are the protagonist arriving at that turning point. The turning point is the place where the protagonist decides to pursue their goals at whatever cost. Johann Gottlieb Fichte, a German idealism proponent through his philosophy of striving (*Strebensphilosophie*) notes that the theory of striving, the absolute ego, responsible for all nature, is not a reality but only an impression, the goal for the striving of the finite ego.[83] Simply put, Fichte doubts the ability of the individual to maintain the motivation to pursue until the achievement of self-

[80] K Tanajyan 'Civil society as an area of a personality self-realisation' (2016) 7 2 *Wisdom* 216 at 217.
[81] K Tanajyan 'Civil society as an area of a personality self-realisation' (2016) 7 2 *Wisdom* 216 at 217.
[82] M Adler *Liberty* (1995) 137-38.
[83] F Beiser 'The Enlightenment and Idealism' in K Ameriks *The Cambridge companion to German idealism* (2017) 21 at 35.

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realisation. This is because the project of self-realisation is unattainable by its idealistic basis. Self-realisation is demanding and difficult to achieve such that it is ideal but not certain. In addition, Fichte noted that in reality, the finite ego is constantly striving, the ceaseless struggle to make nature conform to the demands of its rational activity.[84] In other words, self-realisation is a mindless and continuous pursuit with no end in sight. Furthermore, Fichte explains that if the finite ego strives to control nature, it approaches, even though it never attains, the ideal of the absolute ego.[85] In short, despite the striving that an individual invests, it is impossible to have that much power over nature.

The traditional *Bildungsroman* presupposes that the conditions around the protagonist spur him into a territory of self-realisation; this concept pivots on the fear of falling short. Stević observes that few protagonists complete the process of maturation and socialization that presumably defines the form.[86] Rather than articulating an arc of personal development, Stević argues, the traditional *Bildungsroman* tends to condemn its heroes to failure because the modern understanding of both individual subjectivity and social success remains riddled with contradictions.[87] Put in another way, it is fallacy to expect the individual will to meet the societal expectations while encountering the force of modernity. Modernity demands individuals to use their minds rather than emotions to make decisions. The traditional *Bildungsroman* makes it difficult for the protagonist to become into what they want without so many failures, denials and frustrations. David Copperfield experiences all these negatives in his pursuit of a narrowly conceived idea of success. David continually strives to meet the standard that Victorian society sets. He acquires education, a career as a successful writer, a suitable refined wife, Dora but it comes after a lot of trauma during his school years at Salem house, sharpening his writing under the tutelage of numerous teachers, denials from Mr Spenlow for his daughter's hand in marriage. At each attempt to meet the standards of Victorian society, David fails but still strives.

Despite the contradictions, the traditional *Bildungsroman* posits, one of the attractions of self-realisation is the underlying benefits that spur the protagonist in his journey. The protagonist focuses on the end goal despite the challenges that threaten him. The protagonist ceases

[84] F Beiser 'The Enlightenment and Idealism' in K Ameriks *The Cambridge companion to German idealism* (2017) 21 at 35.
[85] F Beiser 'The Enlightenment and Idealism' in K Ameriks *The Cambridge companion to German idealism* (2017) 21 at 35.
[86] A Stević *Falling Short: The Bildungsroman and the Crisis of Self-Fashioning* (2020) 1-2.
[87] A Stević *Falling Short: The Bildungsroman and the Crisis of Self-Fashioning* (2020) 1-2.

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emotional control and rather uses more reason than anything else. The protagonist while younger could not handle his fears, anxiety, and loneliness issues likely to hold him back. However, once he self-realises these emotions cease to be the centre of his decision-making. David in his younger years often appeared timid and prone to bullying. Later, he loses his fears in pursuit of his career and love. The ability to control emotions is especially a familiar territory for the Victorians who held back from expressing emotions of any sort. Women who demonstrated emotions, nineteenth-century Germany and England label them as physically and mentally unstable.

Self-realisation is important to the *Bildung* or enlightenment project because it paves the way for acceptance. The *Bildung* project pivots on the protagonist being accepting and open to change that comes with the journey, more accepting individuals have better relationships with other people. I observe the same format with modernity where acceptance is critical to its growth. Modernity is inescapable; it can permeate seamlessly into the pillars of society so its presence is normal.

4.2.5 Maturity and independence

The classic *Bildungsroman* debate of what determines the maturity of the protagonist is endless. The reference point for the arguments depends on many factors that I discuss under the feminist critique of the traditional *Bildungsroman*. The philosopher Kant declares that man should have the courage to use his mind to move from immaturity.[88] In addition, Kant explains that the qualification for maturity was the ability for individuals to look inside themselves for the truth.[89] Kant assumed that human maturity arrives if the individual applied reason. That is the individual should resist not outside influence besides his intellect to influence his thought process. In other words, Kant presupposes that truth is already inside the individual, the same truth should be able to guide the individual to maturity.

In another view, Apollo Amoko examines the autobiography and the *Bildungsroman* in African literature, writes that the traditional *Bildungsroman* is a carefully constructed work of art and it expects that the protagonist is *bildung*.[90] For that reason, the protagonist matures

[88] R Posnock 'The earth must resume its rights: A Jamesian geology of immaturity' in JJ Stuhr *100 years of pragmatism: William James's revolutionary philosophy* (2010) 57 at 57.
[89] R Posnock 'The earth must resume its rights: A Jamesian geology of immaturity' in JJ Stuhr *100 years of pragmatism: William James's revolutionary philosophy* (2010) 57 at 57.
[90] A Amoko 'Autobiography and *Bildungsroman* in African literature' in F Abiola Irele *The Cambridge companion to the African novel* (2010) 195 at 195.

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despite all odds present during the journey. Maturity is the moment the protagonist displays extensive mental development, transformation, and maturity by the end of the novel. The story occasionally concludes with charitable deeds from him and helping someone else on the path to maturity. The protagonist finds his place in society and accepts its values and rules. I do not think maturity occurs at the end of the journey itself but it is at every stage and challenge that the protagonist triumphs over according to the dictates of his society. Franco Moretti in his analysis of European *Bildungsroman* refutes the idea of maturity as it serves to illustrate the inequalities that exist in the world.[91] The traditional *Bildungsroman* is distant from the realities of a fast-paced modern world. In essence, maturity is a process, not an event.

Graham writes that the traditional *Bildungsroman* emphasises the conclusion and resolution.[92] Moretti observes that the validity of the *Bildung* depends on its ability to conclude; that is the young protagonist matures and rests there.[93] In addition, Moretti explains for the plot development to end the protagonist has to unify with his new world.[94] Thus reaching a conclusion and maturity is a defining condition in a traditional *Bildungsroman*. The traditional *Bildungsroman* canonical characteristics demand fulfilment of its requirements for the survival of the genre. Some critics point out that the traditional *Bildungsroman* is quick to conclude. The traditional *Bildungsroman* protagonist reaches maturity quicker as compared to other *Bildungsroman* such as the American *Bildungsroman* that prolongs that process.[95] A quick maturity of the protagonist undermines the validity of the learning process.[96] In other words, the American *Bildungsroman* finds value in prolonging the process of maturity.

Although in the traditional *Bildungsroman*, the protagonist confronts numerous kinds of tests there is a pre-determined and pre-confirmed successful conclusion for him. This is bearing in mind the youthful naïve protagonist who journeys into unchartered territories yet his society guarantees his success. This is allegorical to the eighteenth and nineteenth-century Europe that faced radical social transformation. It was inevitable that the enlightenment of industrialisation and modernisation while it changes Europe, brought chaos and unease to the

[91] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000) 27.
[92] S Graham *The history of the Bildungsroman* (2019) 120.
[93] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000)26.
[94] F Moretti *The way of the world*: *The Bildungsroman in European culture* 1987 trans A Sbragia (2000) 26.
[95] S Graham *The history of the Bildungsroman* (2019) 120.
[96] S Graham *The history of the Bildungsroman* (2019) 120.

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normal class-ordered society. Charles Taylor, in studying the two theories of modernity, writes that modernity brought reason, which shook old ways of thinking and doing things.[97] Put simply, Enlightenment reason motivates people to review how their society operates but that upset the traditional standards of operation. Another chaos as Graham notes was the conflict between the ideal of autonomy and the similarly domineering demand of the society.[98] Enlightenment encouraged individuals to pursue and achieve their will but that within the realm of the societal rules.

However, Brigid Lowe examining the history of the English *Bildungsroman* views maturity as a procedure of embracing the precise into the common.[99] This implies the protagonist takes the self and brings it into the community or group. In addition, Lowe writes maturity as a process of discovering shapes in our world.[100] This implies an individual taking who they are and placing it within pre-determined positions and choices. Similarly, like bringing the self to the community, the protagonist discovers in his journey shapes that he can conform and blend in within his society. Further, Lowe expounds that the protagonist positions his uniqueness within a system of firm duties and choices.[101] Put simply, the protagonist has to ensure his individuality does not upset the roles and alternatives that his society offers. Sara Lyon in the exploration of the *Bildungsroman* during the Victorian era echoes Lowe; she writes that the traditional *Bildungsroman* critics frequently read as a conformist story of socialisation.[102] In other words, the novel of education has the sole purpose of acculturation. As a result, the youth gradually amends his longings for freedom and creative fulfilment to the demands of society, and this process the society approves as the accomplishment of maturity.[103] Lyon, for this reason, observes novels of education as making social conformity seem overwhelmingly seductive.[104] Ultimately, the traditional *Bildungsroman* measures maturity according to how much the protagonist has let his desires succumb to the greater good of his bourgeoisie society.

[97] C Taylor 'Two Theories of Modernity' in DP Gaonkar *Alternative modernities*' (2001) 174.
[98] S Graham *The history of the Bildungsroman* (2019) 120.
[99] B Lowe 'The Bildungsroman' in RL Caserio (ed) The Cambridge history of the English novel (2012) 405 at 408.
[100] B Lowe 'The Bildungsroman' in RL Caserio (ed) The Cambridge history of the English novel (2012) 405 at 408.
[101] B Lowe 'The Bildungsroman' in RL Caserio (ed) The cambridge history of the English novel (2012) 405 at 408.
[102] S Lyon 'Recent work in Victorian studies and the *Bildungsroman*' (2018) 15 *Literature Compass* 1 at 2.
[103] S Lyon 'Recent work in Victorian studies and the *Bildungsroman*' (2018) 15 *Literature Compass* 1 at 2.
[104] S Lyon 'Recent work in Victorian studies and the *Bildungsroman*' (2018) 15 *Literature Compass* 1 at 2.

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Then again, the protagonist proves his maturity if he can align his goals within the limits his society provides. Petru Golban in a study that examines the history of *Bildungsroman* writes that formation as the end of the maturation process implies inner change.[105] In addition, Golban explains that the maturation has the protagonist, self-realising their identity, place in society, accepting societal views, beliefs, and values.[106] The traditional *Bildungsroman* fails to reflect vividly an inner change in the protagonist. The protagonist simply buries his will under that of the society to find his place in a society that is highly segregated on class and wealth. Golban validates that for the Victorian Age *Bildungsroman*, maturity rests on individual ability, stimuli, inter-human determinism, and societal associations.[107] The Victorian Age suppressed self-will for society-imposed will. Therefore, the premise from which inner change is a sign of maturity is contentious.

Castle explains nineteenth-century *Bildungsroman*, depicts the bourgeois route of development the protagonist takes that centre on the uninspired social relations, largely those involved in pursuing a vocation and a spouse.[108] Marginalized groupings such as women, LGBTI refute the singular view of human formation that the traditional *Bildungsroman* advocates.

Western thinking on maturity as represented in the traditional *Bildungsroman* disregards other factors that may induce maturity at any certain stage in the life of an individual. It limits the meaning of maturity to a single event. It also disregards the gender and race aspects in determining maturity. For example, African women encounter considerable challenges that at times most circumstances force them to mature beyond the traditional *Bildungsroman* expectations of human development. I do share more arguments on this under the feminist critique of the traditional *Bildungsroman*.

The traditional *Bildungsroman* marks conclusion as the final stage of the journey the protagonist takes. It is seemingly a celebratory moment when the protagonist after numerous problems and hard work, his society rewards him with inclusion into the higher ranks. In the traditional *Bildungsroman,* the protagonist has a happy marriage with a woman he loves; he has a career and receives an inheritance from an unknown close relative. David after a failed

[105] P Golban *A history of the Bildungsroman: From ancient beginnings to romanticism* (2018) 18.
[106] P Golban *A history of the Bildungsroman: From ancient beginnings to romanticism* (2018) 18.
[107] P Golban *A history of the Bildungsroman: From ancient beginnings to romanticism* (2018) 20.
[108] G Castle 'Coming of Age in the Age of Empire: Joyce's Modernist *Bildungsroman*' (2013) 50 1-2 *James Joyce Quarterly* 359 at 364.

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relationship with Emily and Dora finds love with Agnes. He has a successful writing career with several books published under his name. Stevic writes that in place of struggles and striving for his protagonists, Dickens installs a set of narrative mechanisms that contain the socioeconomic pressures of capitalist modernity while guiding his heroes to the safety of a respectable existence.[109] In other terms, David as a writer manages to avoid all pitfalls about earning money like James and Mr Macabew.

Dickens in *Oliver Twist* gives an unexpected end to the success of Oliver. Marriage is not part of his success. There is little indication of a possible marriage for Oliver. Dickens does not marry most of his characters either as compared to the characters in *David Copperfield*. Much of this reflects the turmoil in Dickens about marriage and its place in life. Oliver does mature and succeeds without marriage or a notable female companion. Oliver is content living his life without marriage. Oliver finds fulfilment in having Mr Brownlow as a loving father rather than the social entrapments the Victorian society defined as the only routes to success. *Oliver Twist* demonstrates the inconsistencies that the *Bildungsroman* has. Other ways to achieve success exist without necessarily forcing people to adhere to certain pre-conceived paths that are only possible under specific conditions. Later in the chapter, I examine the similarities that the features of the *Bildungsroman* have to the human rights narrative.

The section that follows gives a feminist critique of the traditional *Bildungsroman*.

4.3FEMINIST CRITIQUE OF THE *BILDUNGSROMAN* GENRE

Despite the adoption of the *Bildungsroman* genre by different novelists for different outcomes, of interest to this study is the feminist critique of this genre. Underpinning this discussion is the feminist philosophical knowledge that focuses on women, their purpose, and their positions.[110] Feminist and legal scholar, Catharine Mackinnon, offers a unique reconsideration of the law of sexual harassment. MacKinnon notes about feminism as questioning the reason why women are subordinate to men through exploring origins, ravage, rifeness, tenacity, execution, and ability to reform.[111] In other terms, to understand the position of women today, it is important to trace their whole journey. This journey includes

[109] A Stevic *Falling Short: The Bildungsroman and the Crisis of Self-Fashioning* (2020) 52.
[110] N McAfee 'Feminist Philosophy' https://plato.stanford.edu/entries/feminist-philosophy/ (Accessed 04 May 2020).
[111] CA MacKinnon *Feminism unmodified: Discourses on life and law* (1987) 2.

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their beginnings, relationship to men, challenges and how to address them. In addition, MacKinnon explains that feminism seeks to establish the journey of inequalities of sexes through generations and how this becomes an identity.[112] Furthermore, MacKinnon writes that feminism examines the experiences of women as second class in society and the identity of those that benefit from that system.[113] MacKinnon indicates that at the core of these questions are power and its complexities.[114] In essence, all the questions that MacKinnon notes like those that feminism confronts have roots in power. Power determines the positions that men and women occupy in society.

To locate the issues that MacKinnon advances Laura Finke, discusses the opportunities and obstacles of applying either literary theory or feminist philosophical critique of masculinist texts, therefore, asserts that feminist literary theories tend to focus on the binaries that are within the masculinist text: power or powerless, centre or margins, same or other.[115] Finke claims that binaries force a prejudiced, dictatorial feminist assessment of a text.[116] Finke concludes that any argument that forces them against us replicates the same duality between centre and margin that defeats the feminist struggle.[117] This implies that feminist criticism that encourages binary criticism is limited and fails to locate other potential avenues in the study of masculinist texts.

The postcolonial feminist theory explores the depiction of gender construction of women in former colonies in colonial and anti-colonial discourse.[118] The hope is that the feminist perspective exposes and interrogates not only the text but also the structure that underpins the classic *Bildungsroman* genre. Feminists must identify and paralyse the power and role the traditional *Bildungsroman* has as a master text. Rita Felski, in discussing the relationship between literature and feminist politics, writes that feminists are attracted to text that disrupts the very constructs of patriarchal culture and symbols.[119] In other terms, feminists search for

[112] CA MacKinnon *Feminism unmodified: Discourses on life and law* (1987) 2.
[113] CA MacKinnon *Feminism unmodified: Discourses on life and law* (1987) 2.
[114] CA MacKinnon *Feminism unmodified: Discourses on life and law* (1987) 3.
[115] L Finke 'The Rhetoric of Marginality: Why I do Feminist Theory' (1986) 5 2 *Tulsa Studies in Women's Literature* 251 at 253.
[116] L Finke 'The Rhetoric of Marginality: Why I do Feminist Theory' (1986) 5 2 *Tulsa Studies in Women's Literature* 251 at 252.
[117] L Finke 'The Rhetoric of Marginality: Why I do Feminist Theory' (1986) 5 2 *Tulsa Studies in Women's Literature* 251 at 255.
[118] R Tyagi 'Understanding Postcolonial Feminism in relation with Postcolonial and Feminist Theories'(2014) 1 2 *International Journal of Language and Linguistics* 45 at 45.
[119] R Felski *Beyond Feminist Aesthetics: Feminist Literature and Social Change* (1989) 30.

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discourses that subvert known patriarchal symbols and structures. Destroying the structure of patriarchy allows other forms of discourse that represent African women to emerge and flourish. African women's experiences carry the embodiment of their pain, hopes, and dreams. Colonialism and different patriarchies made African women invisible such that their experiences are missing in various pertinent discourses. Julien warns that in studying experiences, it is important to note what they carry and contribute to the overall cause of women.[120] The danger lies in experiences that either carry or do not carry meaningful understanding towards the emancipation of African women from challenges that confront them. Florence Stratton, outlines the landscapes of a developing female tradition in African fiction, she states that male writers have no interest in the fate of the private lives of women.[121] In that case, it follows that the description of the experiences of female characters is invalid. The absence of those credible African women experiences in male-written novels is significant to have forced a rise of alternative novels or genres that fill in the gap such as the African female*Bildungsroman*. The gravity of African women's experiences determines a critical understanding of the traditional *Bildungsroman* from a feminist perspective.

Feminist understanding of the traditional *Bildungsroman*

Crucial to note from the onset is the difference in the definition of the typical *Bildungsroman* coming-of-age narrative and the general feminist experience. Even more relevant to this study is the feminist understanding of the *Bildungsroman*. Willem J Smit, who explores the third generation Nigerian *Bildungsroman* in the modern era, writes that for feminists, coming-of-age narratives disregard age in favour of gender experiences.[122] This implies that it is not about the age of the protagonist but the lived realities and experiences of the women. From these, we can understand how gender shapes experiences. Gender is made of body, identity, and social dimensions.[123] Each of these dimensions determines how one treats or others treat them because of their body, identity, and social presentation. Feminists use these dimensions of gender to evaluate and subvert sites of inequality, stereotypes, and other gender-based injustices. In *Purple Hibiscus* Beatrice, Kambili, and Aunty Ifeoma face injustices because of their bodies as females, of their identity as women, and social

[120] E Julien *African novels and the question of orality* (1992) 45.
[121] F Stratton *Contemporary African Literature and the Politics of Gender* (1994) 45.
[122] WJ Smit 'Becoming the Third Generation: Negotiating Modern Selves in Nigerian *Bildungsromane* of the 21st Century' Master thesis, University of Stellenbosch, 2008 at 15.
[123] 'Understanding gender' https://www.genderspectrum.org/quick-links/understanding-gender/ (Accessed 15 April 2020).

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presentation based on different patriarchies such as religion. In addition, these three dimensions determine the power balance, the position men occupy, and why they do. Therefore, gender experiences are critical in understanding the existence of the female *Bildungsroman*. An African female *Bildungsroman* examines those injustices in the novel as compared to the traditional *Bildungsroman* that simply summarises as a journey an individual (male) takes to find their meaningful existence within a specific society.

However, I disagree with Smit that feminists disregard age in favour of gender experiences.[124] Age in this study is important as it displays the intergenerational challenges that confront African women. Patriarchy is ingrained in society. As such, society grooms African women from birth to accept patriarchy as part of the fabric of their lives. In support, Susan Fraiman who deconstructs the ideological trappings of the *Bildungsroman* on women notes that heroines in *Bildungsroman* are aware of who they are and what they will be is socially imposed on them.[125] Kambili on numerous occasions defers to her father about how she should carry herself in her society. She wears clothes that cover her knees because her father told her so.[126] Kambili does not wear slacks because her father told her it is evil. Smit writes that Eugene foists the formation of his daughter Kambili to his specifics.[127] Eugene is a symbol of patriarchy in *Purple Hibiscus* and he uses his power to influence and maintain that authority in his home. Eugene trains and moulds those within his space to be subservient and submissive. Beatrice and Kambili could easily have become the custodians of those toxic patriarchal values from Eugene passing them to the next generation. The death of Eugene becomes a momentous but solemn occasion as it represents the death of patriarchy and that it could not be passed on to the next generations of girls and women.

Felski points out that the female *Bildungsroman* tends to place more emphasis on the psychological change instead of the detailed examinations of its social consequences.[128] I agree with Felski because a *Bildungsroman* is a novel of formation therefore, it must show a shift in the way the character thinks. Part of the system of patriarchy involves indoctrination and conditioning of beliefs about the bodies, identity, and socialisation of African women as

[124] WJ Smit 'Becoming the Third Generation: Negotiating Modern Selves in Nigerian *Bildungsromane* of the 21st Century' Master thesis, University of Stellenbosch, 2008 at 15.
[125] S Fraiman *Women Unbecoming: British women writers and the novels of development* (1993) 6.
[126] CN Adichie *Purple Hibiscus* (2010) 30.
[127] WJ Smit 'Becoming the Third Generation: Negotiating Modern Selves in Nigerian *Bildungsromane* of the 21st Century' Master thesis, University of Stellenbosch, 2008 at 16.
[128] R Felski *Beyond Feminist Aesthetics: Feminist Literature and Social Change* (1989) 133.

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inferior to that of African men. I deliberately use the terms 'indoctrination' and 'conditioning' to illustrate the depth of the patriarchal machination of African women. Indoctrination involves instilling a person with beliefs, mindsets, and specific reasoning approaches. Patriarchy indoctrinates African women to believe prejudiced ideas of them. In addition, patriarchy conditions African women to do nothing about those subjective beliefs. Religion is a tool of indoctrination that is prevalent in both *Purple Hibiscus* and *Patchwork*. Both Beatrice and Mama T are religious and strongly believe in the teaching of the place of the woman in an African home. Religion is equally present in *Oliver Twist* and *David Copperfield* as a symbol of moral authority and discipline. Kochurani Abraham, exploring the operational dynamics of patriarchy, writes that the paradox of religious indoctrination is that women actively cooperate in keeping themselves subjugated as they follow religious processes without asking questions.[129] While Beatrice and Mama T see the truth of patriarchy at the death of their husbands, none of them noted religion as a tool of indoctrination and conditioning into the patriarchal system. It is, therefore, necessary to appreciate the traditional *Bildungsroman* from a feminist perspective to examine these subtle but effective ways patriarchy operates.

4.3.1 Redefining and exploring femininity

The traditional *Bildungsroman* novel attempts to define femininity. Feminists denounce that attempt to circumscribe womanliness based on masculine merit. Such masculine impositions not only do they attempt to remake what being a woman means but also they speak to the precise nature of what it means to be a woman. Fraiman clarifies that female protagonists are aware of societal imposition of their development mostly through those in power; the males prescribe their identity and place.[130] This male circumscribed representation of women poses a danger of becoming a norm and then tragically cultured into the society. Sylvia Tamale exploring the sexual right of women in Africa writes that the cultural framework creates the foundation of gender.[131] In other terms, culture constructs gender. For example in *Oliver Twist*, Agnes is described at the end of the story as being weak and blundering because of her pregnancy out of wedlock.[132] Victorian prejudiced masculine values describe Agnes as weak because it envisaged women to be morally good and domesticated if they mute their

[129] K Abraham *Persisting Patriarchy: Intersectionalities, Negotiations, Subversions* (2019) 162.
[130] S Fraiman *Unbecoming women* (1987) 6.
[131] S Tamale 'The right to culture and culture of rights: A critical perspective on women's sexual rights in Africa' in *Sex Matters* (2007) 155.
[132] http://www.planetebook.com C Dickens *Oliver Twist* 641 (Accessed 21 January 2019).

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femininity and sexuality.[133] The Victorian society does not judge the father to Oliver for impregnating Agnes while already married but it judges harshly Agnes. The father to Oliver, the society glorifies when his legacy to Oliver resurfaces. Although Dickens rescues Agnes from ending as another unidentified woman in the story, it remains that her struggles are untold at all.

Correspondingly, Oyèrónkẹ́ Oyěwùmí in the analysis of gender in Africa emphasises that 'in the age of modernity, the impact of the dominance of gender constructs in everyday life cannot be overstated.'[134] Oyěwùmí implies that modernity significantly highlights gender structures such that it would be naïve to ignore them. Feminists acknowledge the difficulties of women authors writing in a traditional literary male genre such as the *Bildungsroman* as they tend to be targets of inadequacy and vulnerability.[135] This is because woman novelists writing in male-dominated genres observe that the genre restricts them. In addition, that it is 'negatively influenced by the male judgments, expectations, criteria, and prejudices generic categories harbour.'[136] This speaks to the challenges that women writers encounter in writing in a male genre. Today exist many versions of the *Bildungsroman* that attempt to address ignored issues about marginalised groupings.

The African female Bildungsroman

The coming of the *Bildungsroman* to Africa was inevitable. At the height of apportionment of Africa, the novel of formation was at its height of success. Mandy Treagus, who examines three *Bildungsroman* novels from writers who were from the different regions of the British Empire, emphasises the influence of the colonial ideology that the three books under her examination exhibit.[137] Treagus cautions that besides examining the context of the colonial *Bildungsroman*, much attention should be on the maintenance of its construct, the very system of Empire and patriarchy.[138] Maintenance of construct refers to what creates and preserves the colonial *Bildungsroman*. This leads to the implication of an undeniable relationship between colonialism and the colonial novel of formation. Literature as a cultural product carries the beliefs and thoughts of the society, which it innocently or deliberately

[133] S Tamale *Researching and theorizing sexualities in Africa* (2011) 22
[134] O Oyěwùmí 'Introduction' in Oyěwùmí (ed) *Gender epistemologies in Africa: Gendering traditions, spaces, social institutions and identities* (2011) 1 at 5.
[135] C Lazzaro-Weiss 'The female "Bildungsroman": Calling it into question' (1990) 2 1 *NWSA Journal* 16 at 16.
[136] C Lazzaro-Weiss 'The female "Bildungsroman": Calling it into question' (1990) 2 1 *NWSA Journal* 16 at 16.
[137] M Treagus *Empire girls: The colonial heroine comes of age* (2014) 2.
[138] M Treagus *Empire girls: The colonial heroine comes of age*(2014) 2.

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disseminates to the reader. Tim Watson discussing the colonial novel explains that the colonial novel served as a social control tool teaching the values of the colonizer to the colonized.[139] Perhaps the observation from Edward Said in *Culture and Imperialism* that the novel carries and moulds the construction of imperial attitudes, references, and experiences is more telling about the power it yields.[140] Both *Purple Hibiscus* and *Patchwork* depict men born during the colonial era of their respective countries whose colonial education shaped their attitudes towards women.[141] Therefore, the colonial *Bildungsroman* carries the residues of the eighteenth and nineteenth-century beliefs on gender, race, and class. Gender disparities are critical to women in general but even more so to colonised African women. Colonial *Bildungsroman* form limited or erased the African woman sphere of existence. This created an environment that oppressed African women even further. Postcolonial feminists are very wary of what descriptions cultural products carry about African women. African women authors realised the momentous task of representing paradoxical feminine experiences and this prompted feminists to interrogate and innovate the novel forms available.[142] In short, the emergence of the African female *Bildungsroman* does not only address the African women's challenges but also uses the genre to retell a story of African women. The female *Bildungsroman* is not just an innovation for the sake of it but also an instrument to right the wrongs that systems like colonialism and patriarchy continue to perpetuate in the lives of African women.

I use the term 'postcolonial African female *Bildungsroman*' to refer to novels of development and education from African female writers in the postcolonial era whose stories centre on the growth journey of an African girl in Africa. In defence of this choice, postcolonial female writers have a different outlook on the issues that encumber African women before and after independence as compared to the first and second-generation female writers in Africa. First-generation African female writers focused on female aesthetics and cultural experiences.[143] Second-generation African female writers focused on redressing the wrongs done to female

[139] T Watson 'The colonial novel' in A Quayson (ed) *The Cambridge Companion to the Postcolonial Novel* (2015) 15 at 15.
[140] EW Said *Culture and Imperialism* 1993 (xii).
[141] See Appendix A and B respectively for a historical background of the texts.
[142] N Wilson-Tagoe 'The African novel and the feminine condition' in F Abiola Irele *The Cambridge companion to the African novel* (2009) 177 at 188.
[143] C Eze *Ethics and literature in Anglophone African women's literature: Comparative feminist studies* (2016) 13.

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bodies and their work is framed from a western feminist perspective.[144] Third-generation African female writers write in a fertile environment that was inaccessible to first-generation English novel writers.[145] The third-generation African female writers are not only exposed to the modern challenges affecting African women but also boldly propose conversations such as female sexuality and reproduction, son inheritance, right to land that their predecessors struggled to articulate due to publishing, political or socio-cultural reasons.

African femaleAfrican femaleThere some characteristics are that are familiar to the African female *Bildungsroman* thus separating it from other *Bildungsroman*. What is peculiar about the African female *Bildungsroman* is that its development is parallel to the independence of home countries of these African female writers. For example, Adichie and Banda-Aaku are both postcolonial writers whose work is a reaction to the conditions of their respective countries before and after independence. In addition, African female *Bildungsroman* reveals gender construction in a patriarchy where males are socially respected while females represent a form of continuity.[146] Furthermore, African female *Bildungsroman* reveals the African female journey of development.[147] It is important to note that all generations of female, African writers contributed to exposing the challenges affecting African women regardless of genre, one generation after the other continues to pursue those ideals of gender equality, power balance, and destroying stereotypes and myths that oppress African women.

The first and second-generation African female writers struggled with publishing their work and competing for exposure in a male-dominated industry and a political climate that allowed for themes related to colonialism, nationalism, religion, and other non-African women-related focus. Above all, third-generation African female writers explore issues that are pertinent to them such as their sexuality and reproductive health, their inclusion in politics and decision-making, their search and recovery of their identity among other matters. First-generation African female writer, Buchi Emecheta identified nationalism with the system of

[144] C Eze *Ethics and literature in Anglophone African women's literature: Comparative feminist studies* (2016) 13.
[145] B Cooper *A new generation of African: Migration, material, culture and language* (2013) 167.
[146] PA Uwakweh 'Carving a niche: Visons of gendered childhood in Buchi Emecheta's *The Bride Price* and Tsitsi Dangarembga 's *Nervous Conditions* in ED Jones & M Jones (eds) *Childhood in African Literature: A Review* (1998) 9 at 10.
[147] PA Uwakeh 'Carving a niche: Visons of gendered childhood in Buchi Emecheta's *The Bride Price* and Tsitsi Dangarembga 's *Nervous Conditions* in ED Jones & M Jones (eds) *Childhood in African Literature: A Review* (1998) at 10.

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patriarchy.[148] African female writers were aware they had to give a voice and an experience and write on issues outside what their male counterparts pursued. Julien explains that in her research on novels, she found that women writers did not follow traditional models of genres.[149] Nana Wilson-Tagoe, in *The African novel and the feminine condition*, notes that the vivacity of the novel genre accommodates this new narrative as it reshapes the classic *Bildungsroman* to reflect the various complications of the feminine condition.[150] This notion may explain the rise of the African female *Bildungsroman* that does not follow the traditional *Bildungsroman* model.

The African female *Bildungsroman* novel chronicles the development of the protagonist in parallel with the environment of the protagonist. For example, *Patchwork* and *Purple Hibiscus* relate the development of protagonists in tandem with the political, economic, and social environment. Adichie develops the character of Kambili along with what is happening around her environment. This is critical in helping readers identify the environment as necessary to African women exercising and enjoying their rights.

4.3.2 Absence of gender issues

The classic *Bildungsroman* as a universal androcentric genre neglects gender issues that are at the heart of the feminist agenda.[151] This subsequently explains why African female novelists deliberately opt for the *Bildungsroman* to subvert patriarchal ideals about women and their experiences. Interestingly, Carol Lazzaro-Weiss, who applies the feminist critique to the *Bildungsroman*, explains that male novelists like their female counterparts use the *Bildungsroman* not necessarily to subvert its structures but to show the genre's inconsistencies from a critical theory point of view.[152] Her argument is all writers regardless of gender aim to share their views as best as they could and the *Bildungsroman* offers that avenue. It remains critical for feminists and African female writers to disempower knowledge and discourses that the traditional *Bildungsroman* genre serves to the society about the place and identity of African women.

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[148] B Cooper *A new generation of African: Migration, material, culture and language* (2013)166.
[149] E Julien *African novels and the question of orality* (1992) 47.
[150] N Wilson-Tagoe 'The African novel and the feminine condition' in F Abiola Irele *The Cambridge companion to the African novel* (2009) 177 at 189.
[151] S Tamale 'The right to culture and culture of rights: A critical perspective on women's sexual rights in Africa' in *Sex Matters* (2007) 155.
[152] C Lazzaro-Weiss 'The female "Bildungsroman": Calling it into question' (1990) 2 1 *NWSA Journal* 16 at 21.

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Susan Rawoski, who examines the novel awakening in response to women, explains that the art of living for women differs substantially from that of men as such it is impossible.[153] The art of living refers to how women experience life. The art of living for a woman is in recognition of limitations.[154] This means limitations are a routine for any woman but even more for African women because of the burden of colonialism and patriarchy. At every breakthrough, there is a struggle that is behind those milestones. The traditional *Bildungsroman* belittles those experiences, yet those experiences are what define African women and their pursuit for justice.

The Victorian period that both *Oliver Twist* and *David Copperfield* reflect had strong beliefs about everyone being conscious of their place hence the *Bildungsroman*, a novel of education. Dickens as a journalist and a social commentator was aware of the place of women. Dickens supported the charity work of his friend wealthy philanthropist Angela Burdett-Coutts who provided homes for the homeless and education for the poor.[155] Dickens indeed ruffled feathers with his portrayal of women who were prostitutes and criminals such as Nancy in *David Copperfield*.[156] Nancy is the woman who later gives information to Mr Brownlow and Rose Maylie about the plans that Fagin and Monks had about Oliver. Dickens rather cleans up the image of Nancy that Victorian society placed on her. Nancy becomes pivotal to Oliver receiving his wealth. However, Dickens kills the Nancy character as she dies at the hands of Sikes, a colleague of Fagin. Later, Sikes pays for the murder of Nancy, but I wonder what would have become of her had Dickens chosen to let her live. The conservative Victorian age birthed feminism.[157] Authors like Dickens, Emily Bronte, and Virginia Woolf used the novel to show the gender, social and economic inequalities that Victorian society perpetuated through the institutions of culture, religion, and law. It is pertinent to comprehend how Victorian femininity could lead to feminism. Nancy becomes a symbol of sexuality for Victorian women. Victorians tended to tame and mute their sexuality, which is why the inclusion of prostitutes and criminals scandalised readers of Dicken's published serials. Since

[153] S J Rawoski 'The Novel of Awakening' in E Hirsch et al (eds) *The Voyage In: Fictions of Female Development* (1983) 49 at 49.
[154] S J Rawoski 'The Novel of Awakening' in E Hirsch and others (eds) *The Voyage In: Fictions of Female Development* (1983) 49 at 49.
[155] DA Perdue 'Charles Dickens' Family and Friends' https://www.charlesdickenspage.com/charles-dickens-family-friends.html (Accessed 07 July 2020).
[156] DA Perdue 'Charles Dickens' *Oliver Twist*' https://www.charlesdickenspage.com/charles-dickens-oliver-twist.html (Accessed 07 July 2020).
[157] S Mishra 'Feminism as a challenge to the Victorian sentiments: It's Impact on society and literature as depicted in the novels of Dickens and the contemporary writers (2016) 7 4 *Notions* 1 at 2.

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prostitution was a legal profession, Nancy stands as an empowered woman but hardly under the Victorian society's understanding.

Although Dickens makes indications of issues that plague women in the Victorian period, he fails to give women that voice to rise above their oppressive conditions. Readers have little knowledge of how Nancy came to be part of the Fagin gang. Dickens seems to elaborate more on the male rather than the female characters indicating his comfort with the male. In killing the character of Nancy, Dickens mutes the possible lone voice for women. Nancy was aware that she was part of the dark world of London and realised its effects before it could destroy Oliver. As a woman, she becomes the unsung hero of the story. Nancy saved Oliver from an eternal life of crime and helped get half of the inheritance from his father. Nonetheless, Dickens awards that accolade to Mr Brownlow who later becomes the father to Oliver. As much as Dickens seemed aware of societal differences as a journalist, he did not fully comprehend the condition of the women in his society.

4.3.3 The male protagonist prototype

Of concern to feminists is the centring of *Bildungsroman* novels on males. The traditional *Bildungsroman* assumes that the male journey of self-development is the universal self.[158] Bhaktin writes that the *Bildungsroman* presents an image of a male in the course of becoming.[159] Put simply, classic *Bildungsroman* chronicles the narrative process of how a male protagonists forms. Echoing the same sentiments, Nadal M Al-Moussa, investigates the Arabian *Bildungsroman* and posits that the *Bildungsroman* novel, chronicles the development of a young male who pursues ambition and fortune.[160] Elleke Boehmer exploring the stories of women in postcolonial states explains why postcolonial women writers opt for that genre because of the existence of the male *Bildungsroman*.[161] In other words, postcolonial women writers focus on the genre as a counter to the male *Bildungsroman*. Much of the rigidity within the genre comes from nineteenth-century ideals that pursued a certain acceptable behaviour within a society. Deviation from those acceptable societal ideals resulted in one becoming a societal outcast. Boes explains the traditional *Bildungsroman* as the nineteenth-

[158] M Joannu 'The female Bildungsroman in the twentieth century' in S Graham (ed) *The history of the Bildungsroman* (2019) 200 at 202.
[159] MM Bakhtin 'The Bildungsroman and Its Significance in the History of Realism (Toward a Historical Typology of the Novel)' in C Emerson & M Holquist (ed) *Speech genres and other late essays* Trans Vern W McGee (1986) 10 at 19.
[160] NM Al-Mousa 'The Arabic Bildungsroman: A generic appraisal' (1993) 25 2 *International Journal of Middle-East Studies* 223 at 223.
[161] E Boehmer *Stories of women: Gender narration in the postcolonial nation* (2005)107.

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century European phenomenon that is a product of sociological conditions in Germany.[162] Simply put, the genre focused on the sociological environment of Germany. In addition, Ogaga reiterates this idea and notes that the traditional *Bildungsroman* explained the journey of a young male into fitting into the bourgeois German society.[163] Further, Lazarro-Weiss observes that the creators of the traditional *Bildungsroman* paid attention to problems of representation, the interactions of an individual to a group, and questions of social prejudice.[164] Boes, Ogaga, and Lazaro-Weiss emphasise the importance of integrating into society as the driving motivation for the traditional *Bildungsroman*. Society expected an individual to maintain certain social graces to remain acceptable. Being presentable and acceptable in the nineteenth-century society was rather more valuable than the absence of social graces such that a novel of formation was important to emphasise that point. Rosamund S King, exploring the relationship of African women, literature, and culture writes that literature can be a door or a window exposing the other world that may or not be familiar to readers.[165] For the same reason, the traditional *Bildungsroman* reflects the mind and societal beliefs of the nineteenth century. The ill-treatment of women that the traditional *Bildungsroman* documents provide feminists opportunities to respond to the messages it transmits. Likewise, Ayo Kehinde and Joy E Mbipom, in their study of Nigerian migrant feminist novels, write that literature depicts the way different people relate with each other in that society.[166] Correspondingly, Florentino S Alberto captures the relationship among literature, society, and ideology; literature as a product of the society, the creator is also a product of the society, the language the writer uses is a societal creation, addressed to men who are the social body.[167] This suggests a strong undeniable link between literature and society. In addition, within the literature, as Alberto notes reside the ideology of that society. Writers capture the culture and beliefs using the language of that society.

The traditional *Bildungsroman* captures the relationship between men and women in eighteenth and nineteenth-century society. According to Astrid Kohler, who investigated the

[162] T Boes 'Modernist Studies and the Bildungsroman: A Historical Survey of Critical Trends' (2006)3 2 *Literature Compass* 230 at 232.
[163] O Okuyade 'Narrating growth in the Nigerian female *Bildungsroman*' (2011) 16 *AnaChrosiT* 152 at 155.
[164] C Lazzaro-Weis 'The female "Bildungsroman": Calling it into question' (1990) 2 1 *National Women's Studies Association Journal* 16 at 21.
[165] RS King 'African women, literature, language and culture' (2014) 4 2 *index communicacion* 79 at 80.
[166] A Kehinde & JE Mbipom 'Discovery, assertion and self-realisation in recent Nigerian migrant feminist fiction: The example of Sefi Atta's *Everything Good Will Come*' (2011) 3 *African Nebula* 62 at 62.
[167] FS Alberto *Literature and Society: A symposium on the relation of literature and social change* (1964) 65-66.

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cultural and intellectual trends of the nineteenth century, Germany believed language and culture unified the grossly diverse German people.[168] This belief intensified in Germany as the Enlightenment era came to head, literature, art, and thought followed those beliefs. Many of the intellectuals and creatives were concerned about what could represent a pure German feeling and thought.[169] This resulted in a lot of literature, art, and philosophy that attempted to capture the heart of the German people.[170] This became a countermovement against the dominant philosophy of the time. At the forefront of this movement were the new middle class.[171] Johann Wolfgang Goethe of *Wilhelm Meister's Apprenticeship* and Friedrich Schiller works questioned intellectual and social authority.[172] However, these two while aware of the need to cause a revolt against the way society did things, became proponents of German classics that encouraged disciplined desire and amicable relationships in the society.[173] The same desirables feature in the literature, art, and other cultural products of that time. Goethe in *Wilhelm Meister's Apprenticeship* shows the model German society expectations for a fully developed young man. In other words, it set the societal benchmark for progress.

However, the focus on the young male as a protagonist reflects little about the role of women in nineteenth-century Germany. It is important to establish why the traditional *Bildungsroman* left out women as protagonists because in there lie my arguments. Firstly, according to Ute Frevert describing gender orders and disorders of nineteenth-century German society had strict gender roles such that a reversal of those roles society frowned upon.[174] It is more telling that Goethe and his fellow cultural and intellectual revolutionaries did not consider the reversal of those roles as necessary. The assumption was that if any woman attempted the work or roles assigned to men they will fail miserably and men could

[168] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-Century Germany: Politics, Culture, and Society 1780-1918* (2019) 81 at 82.
[169] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-Century Germany: Politics, Culture, and Society 1780-1918* (2019) 81 at 82.
[170] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-Century Germany: Politics, Culture, and Society 1780-1918* (2019) 81 at 82.
[171] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-century germany: politics, culture, and society 1780-1918* (2019) 81 at 82.
[172] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-century germany: politics, culture, and society 1780-1918* (2019) 81 at 82.
[173] A Kohler 'Cultural and intellectual trends' in J Breuilly (ed) *Nineteenth-Century Germany: Politics, Culture, and Society 1780-1918* (2019) 81 at 82.
[174] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.

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not do female roles too.[175] Sadly, this belief carried throughout the Nineteenth century and beyond not only through literature, theatre, and other forms of communication media. On the other hand, most important is that the traditional *Bildungsroman* genre became a reservatory of those oppressive beliefs about women. Each use of the traditional *Bildungsroman* genre as a choice of expression for writers meant the preservation and passing on from one generation to another of the use of males as protagonists.

Secondly, Frevert writes that religion and education further cemented the beliefs in the separation of roles for men and women in a bid to maintain social relations.[176] Religion still maintains the separation of those roles even today under the pretext that it is the will of God. Frevert expounds that no natural law could go against the will of God in giving men and women separate roles.[177] The same sentiments still exist in the twenty-first century with religion specifically Christianity and Islam assigning roles based on divine will.

Feminist, Susan M Okin, in exploring the intersection of feminism and multiculturalism, writes that religion is full of attempts to justify the control and subordination of women.[178] In addition, Okin relates how Christianity paints a picture of a woman; Eve created from the rib of Adam, Eve as the weakness that led to the fall of man, Adam.[179] This image of a weak woman painted in Christianity became an ideology that fed into the notion of why society treats women as lesser to men. After all, women originate from a man so it follows, women should be subordinate to men.

It may be difficult to assign easily the label ideology to religion but some indications point to religion as ideology. Sociologist Karl Mannheim notes that religion becomes ideology when people are in search of social mobility leading to the doubting of traditional beliefs.[180] Religion becomes ideological in an event where there is a quick and overwhelming social and

[175] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[176] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[177] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[178] SM Okin 'Is multiculturalism bad for women' in J Cohen et al (eds) *Introduction: Feminism, multiculturalism, and human equality* (1999) 7 at 13.
[179] SM Okin 'Is multiculturalism bad for women' in J Cohen et al (eds) *Introduction: Feminism, multiculturalism, and human equality* (1999) 7 at 13.
[180] K Mannheim *Ideology and utopia: an introduction to the sociology of knowledge* (1985)7-8.

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intellectual fragmentation of stable traditional societies.[181] Referring back to the nineteenth-century society where the concept of Enlightenment challenged many beliefs and the world as people knew it, religion became a tool to maintain a hold on people. Equally, Hassan Richik, in explaining religion as ideology, adds that if traditions face threats from alternative and worldly theories, intellectuals will defend them.[182] The traditional *Bildungsroman* may be a creation of intellectuals who were defending a divine order in society. Intellectuals such as René Descartes, John Locke, Christian Wolff, Isaac Newton and others, sought space between reform and the traditional systems of power and faith.[183] The traditional *Bildungsroman* as a novel of formation and education carrying religious and bourgeois ideals becomes an ideological instrument that attempts to shape the behaviour of the young man within the confines of his society.

Thirdly, some studies suggest that medical science played a role in determining the role that women could take up in eighteenth and nineteenth-century society. According to Frevert, the reformulation of medicine as a natural science drew many to believe it.[184] Neurologist Paul Julius Mobius published an article that suggested that the 'mental and intellectual deficiencies of women were rooted in their physiology'.[185] The same observation Goethe in a conversation with a friend reflects that men loved women for other things apart from their intelligence.[186] Goethe in *Wilhelm Meister's Apprenticeship* reflects those notions through the absence of a female protagonist. Mobius believed that the brain of women was less organised than that of men; therefore, women were ill-equipped to master challenges in professional life and politics.[187] In a way, that notion proves why women would not embark on a quest that required them to live the rural for the city as required in a traditional *Bildungsroman* novel. The belief is that women are too scatter-brained to achieve such a feat. However, men whose brains were better organised could achieve that quest. Females thus did not belong in anything bearing a resemblance to a career and politics. The conclusion was

[181] K Mannheim *Ideology and utopia: an introduction to the sociology of knowledge* (1985) 65, 85.
[182] H Richik 'How religion turns into ideology' (2009) 14 3/4*The Journal of North African Studies* 347 at 348.
[183] W Bristow 'Enlightenment' in EN Zalta The *Stanford Encyclopaedia of Philosophy* https://plato.stanford.edu/archives/fall2017/entries/enlightenment (Accessed 27 January 2022).
[184] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[185] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[186]James C Albisetti *Schooling German girls and women* (2014) 3.
[187] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century Germany: politics, culture, and society 1780-1918* (2019) 279 at 281.

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that the female brain is born inferior and should stick to childbirth as nature intended.[188] Science as a male-dominated space easily assigned women roles as mothers and nurturers.

Much of the nineteenth-century philosophy believed that women did greater good through keeping homes and bearing healthy babies for the state. This idea not only relegates women to the private domestic sphere but also lessens the chances of women ever achieving equality with men. James C Albisetti, chronicles the struggles of women and girls to access higher education in nineteenth-century Germany, writes that the writings of Goethe including *Wilhelm Meister's Apprenticeship* helped to spread the image of the ideal German womanhood.[189] In short, the prevalence of the male protagonist is rooted in the idea that women were undeserving to carry out the same roles as men.

Goethe and other proponents of the traditional *Bildungsroman* novel interestingly disregarded discourses in the same century and before about what women can do. Discourses such as *The rights of women* by Olympe de Gouges gave detailed rights due to women. Mary Wollstonecraft in *A Vindication of the Rights of a Woman* refutes many assumptions that Goethe and Mobius declared about women. Wollstonecraft refuses the advice from males that women should be soft and pliable enough to stay at home.[190] She refutes ideas from philosophers Rousseau and Dr Gregory whose work attempted to define the nature of women.[191] In addition, Albisetti gives three areas that education philosophers emphasised about women: their domesticity, their 'nature' as complementary to that of men, and their role as mothers.[192] What these three areas of education indicate is that men are the point of reference for women. In addition, they limit the capacity and opportunities for women. Philosopher and feminist Simone de Beauvoir explain this referencing of women to men as rooted in that men hardly think of themselves outside of the Other.[193] This statement recognises how the Enlightenment views on femininity benefit men. This implies male privilege creates a world that revolves around men such that women cease to exist as

[188] U Frevert 'Gender orders and disorders' in J Breuilly (ed) *Nineteenth-century germany: politics, culture, and society 1780-1918* (2019) 279 at 281.
[189] James C Albisetti *Schooling German girls and women* (2014) 3.
[190] M Wollstonecraft 'A vindication of the rights of woman' in A Schumann *Pols 2002 Feminist theory and politics, second semester* (2014) 174 at 175-176.
[191] M Wollstonecraft 'A vindication of the rights of woman' in A Schumann *Pols 2002 Feminist theory and politics, second semester* (2014) 174 at 175-176.
[192] James C Albisetti *Schooling German girls and women* (2014) 3-4.
[193] S Firestone *1970 'The Dialectic of Sex'* in A Schumann *Pols 2002 Feminist theory and politics, second semester* (2014) 255 at 259.

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anything else but servants to their needs. The biological differences between men and women seem to be at the core of why women did not merit as traditional *Bildungsroman* protagonists. These biological differences emerge themselves in religion and education further reaffirming them as 'truths'.

Fourthly and last, the traditional *Bildungsroman* reaffirms and perpetuates the dictates of conformist systems that keep women in the private domestic space. Germany in the late seventeenth and eighteenth centuries observed several ideological class beliefs. Sociologist WEB Du Bois lists seven social classes that existed in that Germany at the same time as the rise of the *Bildungsroman* genre.[194] What is most telling is the reference to only men in all the seven classes. Now the classes themselves do not matter to me as much as the absence of women in the seven classes. Du Bois mentions the lowest class as consisting of thieves and earnest men, the third class as better-paid men or the working men courtesy of industrialisation, and then there are German young men of honest parentage who have been unsuccessful in life.[195] This is a historical account of then Germany signalling the exclusion of women from work and any activity that is outside the home space. The assumption is men were better than women were therefore, only they merited being part of the classes. The idea is not that women should have been present in a discriminatory class system but their absence echoes the negative attitude and prejudiced beliefs towards them as in other systems of education and religion. It reaffirms the systematic nature of patriarchy that permeates all spheres of influence.

Feminists are particularly wary of the effects of class systems on the right of women to participate and contribute to numerous life activities. Rhoda Howard, in writing on the human rights condition of women in Sub-Saharan Africa, declares that there is little evidence that patriarchy disappears once capitalism disappears.[196] This presents a dilemma for African women who need to participate and contribute to numerous life activities but within the confines of patriarchy and capitalism that create a prohibitive environment for them. Zillah R Eisenstein, who considers social feminism and the capitalist oppression of women, explains that social feminism views male dominance and capitalism as the nucleus shaping the

[194] WEB Du Bois 'The Socialism of German Socialists' (1998) 31 3 *Central European History* 189 at 189-192.
[195] WEB Du Bois 'The Socialism of German Socialists' (1998) 31 3 *Central European History* 189 at 189-192.
[196] R Howard 'Women's rights in English-speaking sub-Saharan Africa' in CE Welch & I Meltzer(eds) *Human rights development in Africa* (1984) 46 at 46.

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oppression of women today.[197] This authenticates the existence of a relationship between capitalism and patriarchy. However, it also adds another dimension to the challenges that confront African women.

Feminist concerns

However, feminists as varied as they are agree that the traditional *Bildungsroman* fails to portray women positively. Feminists refute the traditional *Bildungsroman* novel presumption that women are biological and physically inferior. Feminists refute male dominance over women as biologically, religiously, and culturally acceptable. While the belief is typical of the view of women during the eighteenth century, feminists have a strong urgency to change the narrative about the place of women in society by questioning, upsetting, and rewriting women's narrative anew.[198] In other words, the traditional *Bildungsroman* perpetuates and reaffirms patriarchal tendencies that are at the core of the oppression of women. Both *Purple Hibiscus* and *Patchwork* not only show the development of the protagonists, Kambili and Pumpkin respectively but we read the development of other females in the text.

Firstly, Adichie identifies as a feminist but not of any particular type of feminism.[199] *Purple Hibiscus* shows that Adichie is interested in pointing out the wrongs that exist in society especially gender inequalities. However, in pointing out these Adichie shows that some men are suffering under the oppression of other men. While a typical *Bildungsroman* shows the journey of a male finding his place in the world, Adichie besides locating the journey of Kambili reflects on Jaja too. When Adichie gives attention to Jaja, it does not take away her devotion to the challenges that Kambili confronts in her life. It clearly shows the possibility of African men and women amicably co-existing in their journeys of self-discovery. Adichie subverts the idea of the traditional *Bildungsroman* focusing on only the male character as the one worthy of a voyage of introspection.

The traditional *Bildungsroman* gives a good model for the society of how to thwart the growth of women while promoting that of men.[200] In 1983 Elizabeth Abel, Marianne Hirsch, and Elizabeth Langland made available a groundbreaking anthology of papers on the female

[197] ZR Eisenstein *Capitalist Patriarchy and the Case for Socialist Feminism* (1979) 1 at 1.
[198] E Boehmer *Stories of women: Gender narration in the postcolonial nation* (2005) 6.
[199] E Brockes 'Chimamanda Ngozi Adichie: 'Can people please stop telling me feminism is hot?'' https://www.theguardian.com/books/2017/mar/04/chimamanda-ngozi-adichie-stop-telling-me-feminism-hot (Accessed 20 April 2020).
[200] C Lazzaro-Weiss 'The female "Bildungsroman": Calling it into question' (1990) 2 1 *NWSA Journal* 16 at 17.

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novel of development known as *The Voyage In Fictions of Female Development*. This collection responds to the absence of women writers in general, and that of the female protagonists, in the traditional *Bildungsroman* genre. Abel and others conclude that even though taking into consideration the varied definitions of a *Bildungsroman* available, they take for granted social possibilities as available only to males.[201] The traditional *Bildungsroman* genre by its definition made it impossible for women to be protagonists. The social necessities of the time made it difficult for women and men to approach their development in the same manner.

Secondly, the traditional *Bildungsroman* assumes that men have the intelligence that makes them suitable for quests and discovery. This automatically places women in the private domestic space. I concur with the observation of Tony Evans who surveys the relationship of human rights to the global political economy; therefore, note that the public and private divide alarm feminists, as it exists as an excuse of natural social order.[202] In other terms, to excuse the divide of gender roles between public and private space due to the natural social order is a way to control women. Society can manufacture a discriminatory system; the natural social order is not exempt from the same discriminatory quality. The adventure of a woman is limited to the home space where she can adequately support the quest of the males. The historical era that birthed the traditional *Bildungsroman*, embraced women who looked after their homes and families, and eighteenth-century society deemed these women as moral and good. In *Purple Hibiscus*, Eugene attempts to police the behaviour and movements of Kambili through reciting prayers, church attendance, and following his timetable without fail.[203] Adichie upsets the traditional *Bildungsroman* norm of women being incapable of adventure and exploration, Kambili deliberately explores her femininity through her relationship with Father Amadi when she visits Nsukka. This was an act in defiance of what her father had always taught her.

Thirdly, feminists are wary of the representation of women in discourse like the traditional *Bildungsroman*. Like colonialism, patriarchy blooms and flourishes in conditions that promote gender inequality. Johann Gottlieb Fichte a philosopher who advocated for German idealism was convinced that human law or culture did not subordinate women but nature

[201] E Abel and others (eds) *The voyage in: fictions of female development* (1983) 7.
[202] T Evans *Human rights in the global political economy: Critical process* (2011) 34.
[203] CA Adichie *Purple Hibiscus* (2004) 31, 124.

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did.[204] His views buttress those of other intellectuals of the time; Goethe, Mobius, Rousseau, and Dr Gregory who believed that women were by nature different from men rendering them incapable of other things nature preserved for males. With such gross misrepresentation of women and perpetuation of these ideas through the traditional *Bildungsroman*, it follows that feminists challenge these views. The traditional *Bildungsroman* is not only a mode of production of patriarchal representation about women but it conserves that discourse. In other words, feminists pay close attention to whom and what produces and maintains the traditional *Bildungsroman*? Feminists are also curious as to whose benefit is the traditional *Bildungsroman*. The danger in not asking the right questions is the continued perpetuation of stereotypical beliefs about women. At the core of the traditional *Bildungsroman* is the patriarchy, which drives and sustains the gender discriminatory system.

The traditional *Bildungsroman* is a German creation whose growth is thanks to industrialisation and Enlightenment that happened in tandem with the genre. Industrialisation saw growth in the printing and publishing industry in Europe, which was the preserve of men. Women wrote and printed under pseudonyms. The *Bildungsroman* genre spreading to the rest of Europe and then Africa was part of the development of modernity. Goankar writes that modernity is inescapable.[205] Colonialism, another embodiment of the traditional *Bildungsroman*, as it encourages going on a journey to conquer and tame territories, was also a preserve of men. A good example is Cecil John Rhodes who was sickling before coming to 'conquer' Africa and instantly became a hero of the British Empire. Some European men came to Africa as missionaries such as David Livingstone 'to spread the gospel'. A correlation exists between colonialism and patriarchy. While colonialism conquered and subdued lands, so does patriarchy conquer and subdue the female 'land'. The result is full ownership of the conquered territory. To conquer those territories education and religion became critical tools of indoctrination. The traditional *Bildungsroman* is a tool of indoctrination against the empowerment of women, therefore; postcolonial feminists target it in their resistance discourse.

Fourthly and final, postcolonial feminists are cautious of the traditional *Bildungsroman* because of the history of Africa as a site of colonialism. Colonialism left a legacy in Africa whose mark has become so subtle that it may not be as easily recognisable as it was before

[204] James C Albisetti *Schooling German girls and women* (2014) 5.
[205] DP Goankar *Alternative modernities* (2001) 1.

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Africa became independent. Colonialism viewed women at the bottom of the rung of humans. Spivak positions the place of the woman in India as existing on the margins between a human and an animal.[206] The policy of racial segregation meant that African women fell below African men. Africa besides being a site of colonialism, racial segregation, is also a terrain of Enlightenment. In a study on the impact of the British Empire in Africa, Linda Hutcheon, cautions on the necessity of examining the traditional *Bildungsroman* as a text and interrogating forces around its production.[207] In other words, postcolonial feminists establish and subvert the subtle legacies that colonialism, patriarchy, and other discourses that subdue women have left and are resident in texts such as the traditional *Bildungsroman*. Spivak writes of the absence of a text that can 'answer back to the violence of colonialism against women.[208] Interrogating the forces around which a text is produced lays bare the power relations and inequalities that exist in a system. Fair evidence of this lies in the feminist critique of the male plot projection versus the female plot projection. The influence of the environment, which the writer writes from, exists in the environment the writer creates for the protagonists.

4.3.4 Male plot projection versus female plot projection

The rise in the feminist interest with the traditional *Bildungsroman* coincides with the growth in feminist movements in the 1970s. As women questioned their place and role in society, so did feminists look at literature as a custodian of oppressive tendencies against women. In short, literature mirrors society. The traditional *Bildungsroman* genre attracts the attention of feminists especially in the way it develops the male plot projection. The traditional *Bildungsroman* clearly defines the role of men and women in society through its expectation of how a male protagonist grows and achieves in life. Feminists give attention to the plot projection that creates favourable conditions for the male protagonist to flourish.

As earlier stated under the features of the traditional *Bildungsroman*, the plot is linear; which means the development of the story is chronological, it moves from childhood to adulthood of the protagonist.[209] According to Bolaki, the linear movement of the male traditional

[206] GC Spivak 'Can the Subaltern Speak?: Speculations on Widow Sacrifice' (1985b) 7/8 *Wedge* 120 at 131.
[207] L Hutcheon '"Circling the downspout of Empire": Post-colonialism and postmodernism' (1989) 20 4 *ARIEL: A Review of International English Literature* 149 at 151.
[208] GC Spivak 'Can the Subaltern Speak?: Speculations on Widow Sacrifice' (1985b) 7/8 *Wedge* 120 at 131.
[209] Morrison & Kingston (n47 above) 22.

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Bildungsroman gives the impression of full self-governance.[210] The assumption the traditional *Bildungsroman* makes is that a male can make decisions about his destiny. Males can pursue their destinies without many hurdles as signified through the linear movement of the story. For example, in *Oliver Twist*, Oliver begins as a little poor orphan boy born in a workhouse to an unmarried unknown woman. Oliver begins to work at a branch of the workhouse. Mr Sowerberry the undertaker takes Oliver in as his apprentice. After altercations with Noah and the Sowerberry, Oliver walks 70 miles to London. In London, he unknowingly joins the Fagin band of thieves who give him lessons of pickpocketing. One day while observing his colleagues' pickpocket Mr Brownlow in a bookshop, he is mistaken for the thief. Mr Fang sentences Oliver to three months with hard labour but before he leaves the court, the owner of the bookshops informs everyone that Oliver is innocent. Mr Brownlow takes Oliver into his home. Mr Brownlow brings change to the life Oliver led. In the end, Oliver inherits half of the wealth from his father and moves to live in the rural area close to his newfound relatives. The plot moves from one scene to another without interruptions. In other words, the plot is such that it is stable allowing for a predictable development.

In comparison, *Purple Hibiscus* uses a nonlinear narrative, which means that it does not follow the sequence as expected in the traditional *Bildungsroman*. Kambili is 15 years old as compared to Oliver whose story begins at his sad birth. *Purple Hibiscus* opens in *media res* meaning amid things or events of the plot. 'Breaking Gods *Palm Sunday*' gives an introduction of the status quo in the Achike household that began when Jaja did not attend communion as his father expected.[211] In a study, observing the body in *Purple Hibiscus* Corinne Sandwith refers to this event as a crisis that the story will keep as a reference point.[212] In other words, the first section of the novel, which seems unrelated to Kambili or Beatrice, sets the motion and tone of the future of events. The second section of the book is 'Speaking With Our Spirits *Before Palm Sunday*' (see Appendice A for a summary of the text) which tells the events that happen before Palm Sunday. Adichie does not follow the expectation of the traditional *Bildungsroman* because it believes in predictable development. There is hardly room for disappointment at the end for the male protagonist. All elements within the traditional *Bildungsroman*, the writer arranges in such a manner that allows for a

[210] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011)50.
[211] CN Adichie *Purple Hibiscus* (2010) 3.
[212] C Sandwith 'Frailities of flesh: Observing the body in Chimamanda Ngozi Adichie's *Purple Hibiscus*' (2016)41 1 *Research in African Literatures* 95 at 95.

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successful outcome. Nevertheless, Castle explains that the traditional *Bildungsroman* usually 'fails' because much attention is on the analysis of the cultural space in which the growth takes place rather than giving individuals an opportunity to think gravely about their identity and their relationship with institutions of power.[213] Adichie and Banda-Aaku rightfully demonstrate the women characters struggling for their identity and autonomy from powerful institutions of patriarchy and colonialism. In reality, the life of women is full of challenges such that for them to predict a success story at the end of their endeavour is unrealistic.

Unlike *David Copperfield*, reflecting alone the linear journey of David through an identifiable world, *Purple Hibiscus* and *Patchwork*, these present traversing stories of other African women as they experience the combined burdens of womanhood, violence, and poverty. David is in an identifiable world because that world is male, so he can identify, and survive it. Here, the art of doubling, particularly thematic and psychological ramifications becomes a major narrative strategy. There is a sense in which characters, wherever they are located in the social hierarchy, common values and attitudes within patriarchy link them. [214] In *Patchwork*, the educated Pumpkin, her alcoholic docile mother and her feminist grandmother meet to share the common burden that the men in their various stages of life have wrought upon them. This solidarity of women is important as it dissuades the modernistic tendency of individualism.

In mapping the idea of women and nature in fiction, Ann Pratt notes that the female journey of development takes place in a natural setting.[215] Its circular nature means it has difficulties that are relational to the real-life challenges that confront women. Women are born within an environment that from the beginning challenges their personhood. Society through forces of patriarchy, colonialism, religion, culture, education, capitalism, modernity, and many others dictates the development of women. This is the natural setting that Pratt refers to that has tension that forces women either to bow to those demands or fight. Mary A Ferguson, examining the female novel of development, notes that the natural female development is inferior to the male.[216] Women as previously stated the seventeenth and eighteenth-century

[213] G Castle *Reading the Modernist Bildungsroman* (2006)26.
[214] N Wilson-Tagoe 'The African novel and the feminine condition' in F Abiola Irele *The Cambridge companion to the African novel* (2009) 177 at 189.
[215] A Pratt 'Women and nature in modern fiction' (1972) 13 4 *Contemporary Literature* 476 at 477.
[216] Ferguson, MA 'The Female Novel of Development and the Myth of Psyche' in E Abel and others (eds) *The voyage in: Fictions of female development* (1983) 228 at 229.

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society understood them as incapable of self-governance because 'nature' deemed them so.[217] The traditional *Bildungsroman* contradicts the truth about the lives of women and propagates for the upholding of legitimacies and conditions that are unfavourable to them. Frantz O Fanon in *Black Skin, White Masks* probably puts across views that may relate to the traditional *Bildungsroman*. Fanon writes:

> Man is human only to the extent to which he tries to impose his existence on another man in order to be recognised by the other, that other will remain the theme of his actions. It is on that other being, on recognition by that other being, that his own human worth and reality depend. It is that other being in whom the being in whom the meaning of life is condensed.[218]

As Fanon in the last chapter of his book had been psychoanalytically reflecting on the universal search for recognition, the above quote is apt in that the traditional *Bildungsroman* is also a journey in search of recognition especially from the society that males aspire to be part. I draw inferences to how man (male) foists his presence on another man (woman) for him for his acceptance in the (patriarchal) society. I assert that the traditional *Bildungsroman* applies the same principle of forcing its patriarchal ideals on women. In addition, when women bow to the patriarchal demands, man gets their recognition and acceptance in society. From Fanon, I deduce that the value and truth of that man depend on imposing and maintaining that stance on another (woman). In *Purple Hibiscus*, Eugene employs the same mode of operation to find his value and reality in the Achike household and outside. Eugene uses violence, manipulation, and religion to impose his values and authority. Outside his homes such as the extended family, church, school, and hospital, Eugene uses his wealth to donate to the various needs. On the other hand, Eugene imposes himself on Kambili such that he is in control of her psychosocial growth. Eugene uses timetables to determine how Kambili uses her time, he polices her appearance, controls how she sees the world through monitoring her movements. In such a stifling space, Kambili has little hope of growing into anything outside what Eugene determines. Of this, Pratt declares that the female *Bildungsroman* shows how society provides representations to 'grow down' instead of 'growing up' like the male version.[219] In other terms, the necessity of the female *Bildungsroman* is its ability to show the limitation that hinders women from pursuing

[217] J Robertson *The Enlightenment: A very short introduction* (2015) 66.
[218] F Fanon *Black skin, white mask* trans CL Markham (1967) 216-217.
[219] A Pratt *Archetypal patterns in women's fiction* (1981) 14.

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companionships, family, aspirations, and self-discovery. Equally important is that the female *Bildungsroman* demonstrates that limitations for the growth of African women consistently remain rooted in patriarchy. Therefore, the route of development for females is very different from that of males.

The African female *Bildungsroman* such as *Purple Hibiscus* breaks the linear storyline opting for a cyclical structure that covers three periods all set in the past. In addition, the narrator switches between present and past frames.[220] Ferguson sheds more light on the difference in the plot development of males and females in the *Bildungsroman* novel. Ferguson expounds that the male protagonist in traditional *Bildungsroman* has a spiral development while the female has a circular.[221] The spiral development for the male protagonist means that the male usually achieves the goal set off holistic self-realisation. The circular female plot development means that she is housebound while learning the domestic chores from her mother. While the subversion of the linear arrangement shows the intricacy of the *Bildung*, it also reflects the absence of a clear established road to achievement for African women. The traditional *Bildungsroman* novel presupposes that the quest for knowledge and development for males is similar to those of females. Such assumptions reflect the depth of ignorance in the case of lived realities and experiences of women. Historically, the coloniser preferred to educate the male African child rather than the African girl child. Post-independence, while schools have increased those African women can access, there are still other deeply ingrained gender inequalities that make it difficult to level the ground of access to the same opportunities that African males have.

4.3.5 Fallacy of happy endings

The traditional *Bildungsroman* promises a bright successful conclusion. The traditional *Bildungsroman* regards successful career, marriage, and graduating to the next social class as evidence of a successful conclusion. This is a conclusion where the protagonist solves his conflicts amicably. Bolaki expounds that this reactionary closure common with the European traditional *Bildungsroman* drew much attention because of inevitable traditionalism and belief that marriage could solve conflicts. [222] Victorians believed marriage solved conflicts

[220] Unpublished: WJ Smit 'Becoming the Third Generation: Negotiating Modern Selves in Nigerian *Bildungsromane* of the 21st Century' unpublished Master's thesis, University of Stellenbosch, 2008 at 33.
[221] Ferguson, MA 'The Female Novel of Development and the Myth of Psyche' in E Abel and others (eds) *The voyage in: Fictions of female development* (1983) 228 at 228.
[222] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011) 12.

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over lands and wealth. Intermarriages between people of the same class preserved the wealth within the same class avoiding unnecessary conflicts. Queen Victoria who had nine children who got married to various royal families all over Europe assured her that the United Kingdom would never conflict with any of those royal houses and their countries. Historian Deborah Cadbury elaborates that Queen Victoria saw the marriages of her children as strategic alliances that would bring stability and peace to Europe.[223] Queen Victoria not only saw the marriages as ensuring the stability of Europe but also her extensive progress economically, politically and socially. The same mindset the traditional *Bildungsroman* mirrors where marriage supposedly resolves conflict or acts as a reward to successful young male protagonists.

Bolaki points to the traditional *Bildungsroman* as a site full of restrictions that identify with a romantic national type of bias.[224] In other terms, the traditional *Bildungsroman* presents a skewed image that silences other people (African women) and their experiences. Bolaki warns of the recycling of the subjective traditional *Bildungsroman* narrative that globalisation shares with a wider audience.[225] Modernity makes the sharing of these prejudiced narratives on women, much more on African women as widespread as ever. This demands a turn to alternative modernities that reflect the reality of diverse peoples. Soňa Šnircová who reviews girlhood in British *Bildungsroman* notes that the growing societal changes in the ninetieth and twentieth centuries have forced the need to re-examine the traditional *Bildungsroman* genre to include gender, class, ethnicity, sexuality in the literary representation of maturity.[226] The absence of other histories and experiences of marginalised people makes the universal acceptance of the traditional *Bildungsroman* successful conclusion narrative a fallacy.

The existence of conflict that has no tangible solution makes it difficult to see a joyful conclusion. The denouement that the traditional *Bildungsroman* purports exists; the joy that comes with accomplishing something African female writers redefine in a African female *Bildungsroman.* While Oliver in *Oliver Twist* found a family, wealth, and acceptance into his society, Kambili and Pumpkin's experiences give them unclear conclusions about their futures. As protagonists, Kambili and Pumpkin do not entirely triumph over their adversities but they see indications of victory.

[223] D Cadbury *Queen Victoria's matchmaking: The royal marriages that shaped Europe* (2017) 9.
[224] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011) 12.
[225] S Bolaki *Unsettling the Bildungsroman: Reading contemporary ethnic American women's fiction* (2011) 12.
[226] S Šnircová *Girlhood in British coming-of-age novels: The Bildungsroman heroine revisited* (2018) 1.

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Several factors stand between what makes maturation and a successful conclusion for African women based on the traditional *Bildungsroman* expectations.

Growth prohibiting environment

The traditional *Bildungsroman* sets up the protagonist for maturity and a successful conclusion. Not only do *Oliver Twist* and *David Copperfield* without fail achieve maturity within the standards of the traditional *Bildungsroman* but they also reach a successful conclusion to their journey. Oliver concludes with a new family and wealth while David reunites with his love Agnes, a successful career, and three children. Although both David and Oliver confront challenges throughout their journey, they overcome them to move to the next level of their journey until completion. In other terms, the traditional *Bildungsroman* reflects an environment that fostered and permitted the growth of the male protagonist. There can only be maturity and a successful conclusion if the environment fosters and permits it. Joannou writes that the origins of traditional *Bildungsroman* comprise stiff class and gender hierarchies of the eightieth-century German Enlightenment period.[227] In a study, that examines how feminism shapes gender, Alison D Crossely and Laura K Nelson, reaffirm that although gender norms are not alike through cultures, the stringency of the gender construction is close universal.[228] The inflexible class and gender social structure meant that women were and are perpetually subservient to men: a setting that disadvantages them. Feminists acknowledge the systematic process of gender social construction such that gender ideology tends to guide and shape society openly and subtlely at different levels.[229] On the contrary, the same environment of the traditional *Bildungsroman* cannot and will not foster the same growth for African women. I deliberately 'use cannot' and 'will not' because unless the genetic composition of the environment dismantles gender, racial, class, and sexual prejudices maturity and the successful conclusion remains a fallacy for now or in the future.

The protagonists in *Oliver Twist* and *David Copperfield* could wander and search for their vocation in their environment but no one found their wandering strange or out of place. Oliver and David could leave their homes without prejudices that surround their gender. The

[227] M Joannu 'The female *Bildungsroman* in the twentieth century' in S Graham (ed) *A history of the Bildungsroman* (2019) 200 at 200.
[228] AD Crossley & LK Nelson 'Feminist reshaping gender' in BJ Risman and others (eds) *Handbook of the sociology of gender* (2018) 549 at 549.
[229] A Chatillon and others 'Gender ideologies' in BJ Risman and others (eds) *Handbook of the sociology of gender* (2018) 217 at 219.

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right to mobility applied more to males than females. This Victorian thinking is evident in how colonizers of Africa were white males. The white females who did travel alone were few and only came as missionaries. The rest of the white females came as wives to support duties their husbands had to fulfil. For example, Mary Slessor came to Nigeria as a missionary after inspiration from David Livingstone.[230] It is also telling that Mary Slessor got inspiration from a man but it reflects the Victorian thinking and ideals that privileged white males. Put simply, the male experiences become a reference and a starting point for the experiences of women.

The traditional *Bildungsroman* associates development with movement. This could be either physical movement from one place to another, movement between classes, or abstract movement. Salmon writes the English *Bildungsroman* like *David Copperfield* features a protagonist who wanders, makes his way into the world before achieving social mobility.[231] Concerning the African *Bildungsroman* Okuyade claims, that travel is vital to development.[232] Restricting the movement of African women physically or otherwise affects their reaching maturity and a successful conclusion. Kambili and Beatrice find the catalyst for change the moment they left Enugu for Nsukka. Okuyade notes that Nsukka has the most amazing effect on the developmental process of Beatrice and Kambili especially since Kambili visits it on four occasions.[233] The move to Nsukka besides physically refreshing also shifts the mirrors that Kambili and Beatrice saw themselves.

In *Patchwork*, Pumpkin has the opportunity to move physically from one place to another. The movement that Pumpkin does is at the behest of her father. Her father paid for her studies in the United Kingdom where she pursued her studies in architecture.[234] Pumpkin also pursued sexual relationships with Scottish and Nigerian men while in Europe.[235] When Pumpkin moved to Europe, she could explore and pursue what she would never have pursued in Zambia as a newly independent nation. Despite Europe opening Pumpkin to all experiences, she faced racial and tribal abuses. Even though Pumpkin managed to move

[230] 'Missionary Involvement in Nigeria (Historical & Current)' https://bethanygu.edu/missions/missionary-involvement-in-nigeria/ (Accessed 17 June 2020).
[231] R Salmon 'The *Bildungsroman* and the nineteenth century British fiction' in S Graham (ed) *A history of the Bildungsroman* (2019) 47 at 69.
[232] O Okuyade 'Traversing Geography, Attaining Cognition The Utility of Journey in the Postcolonial African Bildungsroman' (2017) 49 *Matatu* 358 at 362.
[233] O Okuyade 'Traversing Geography, Attaining Cognition The Utility of Journey in the Postcolonial African Bildungsroman' (2017) 49 *Matatu* 358 at 365.
[234] E Banda-Aaku *Patchwork* (2011) 145.
[235] E Banda-Aaku *Patchwork* (2011) 145.

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physically, her spiritual and mental self never left Tudu Court and the farm. The barely-there relationship that Pumpkin had with her mother and the way her father treated other women in his life controlled how the adult her behaved. Pumpkin and Kambili are African women with abusive fathers; they have different journeys of growth but still share the same patriarchy-driven challenges. The traditional *Bildungsroman* just illustrates the life of a white male protagonist, insights into the world of the woman is limited and regulated through the eyes of the male protagonist. *Purple Hibiscus* and *Patchwork* both decentre the traditional *Bildungsroman* imaginations and myths about African women and their capabilities. In short, the journey is as crucial to the development of African women but if they are restrictions in their movement physically, mentally, and spiritually, there is no maturity and successful conclusion.

Purple Hibiscus concludes with Kambili and her mother free from her abusive father as he dies from drinking tea with laces of rat poison. However, there is no complete joy for the two women; Jaja is still in prison with a possibility of release if Kambili and her mother pay the right people. Beatrice bears scars; she talks but does not talk. Kambili assumes what Beatrice thinks most of the time. In *Patchwork*, Banda-Aaku presents a different conclusion that differs from the expectations of the traditional *Bildungsroman*. Pumpkin does get married but not as a response to her journey but because she did genuinely want to get married. Her marriage is not a happy one because of her insecurities birthed from her past. Pumpkin loses her father but she is equally appalled at the pain he caused other women in his life. Does Pumpkin mature according to the standard of the traditional *Bildungsroman*? No. The traditional *Bildungsroman* standard of maturity and the successful conclusion is marred. Pumpkin charts her journey; therefore, she should determine if she has achieved what she sought in the first place. African women should be at liberty to chart, dictate, and pursue their maturity and successful conclusion within a setting that permits.

Today, law and human rights provide an elusive comfort that they will ensure a successful conclusion for individuals and societies but seemingly, that is not the case for African women. In chapter 2, I explore the problems that hinder law and human rights from delivering the promise of gender equality, eradication of injustice towards African women. I reiterate that modernity distorts the idea of the successful conclusion of the journey as it regards everyone as the same with the same opportunities.

Skewed image of a woman

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Indoctrination from childhood meant women never saw themselves as anything but appendages rewarded to men who have accomplished their journeys. Šnircová writes that the British *Bildungsroman* associates female development with domesticity for centuries rendering women powerless and weak.[236] In *David Copperfield* (see Appendice B), Agnes seems to be perpetually waiting for David to come back for her. Although Dickens describes her as a woman who has her means and is very scholarly enough to have those discussions with David, her life seems to find only fulfilment after she reunites with David in marriage and the three children. Dickens frowns at Dora who has little knowledge of the world outside but even she fails at managing the home, a space reserved for women. Dickens as someone who was against classes and their effect on the poor probably wrote her character to mock the norms of the Victorians. Although Victorians had standards and expectations of what maturity and success are, Dora and Agnes, demonstrate the gaps in that ideal. As domesticated as Dora was, she still 'fails' in the space society reserved for her. It may be possible that systems of order fail to respond to the actual conditions of human behaviour. In addition, David declares Dora a failure at managing their home. That David, a male, is the reference for that failure declaration reflects the problem of measuring maturity and success of women based on patriarchal standards.

Marriage as a sign of success

A marked difference is observable in the choice of marriage for the protagonist as compared to the female characters in the traditional *Bildungsroman*. Fraiman asserts that the male protagonist in the traditional *Bildungsroman*, marriage is a reward and a mark of fulfilment, not a goal.[237] While Oliver in *Oliver Twist* does not get married, David in *David Copperfield* finds himself and his career before marriage. However, with the female characters in Dickens marriage that will provide upward mobility seems to be the norm. The assumption is women have nothing to achieve but marriage and children. Camilla Brändström, in a feminist exploration of select *Bildungsroman* texts, explains that marriage in general does not imply a hindrance to self-development for the male protagonist, as it does for his female counterpart.[238] As already noted this is reminiscent of the eighteenth and nineteenth-century societal thinking on gender roles. Gender does not only show the differences of gender roles

[236] S Šnircová *Girlhood in British coming-of-age novels: The Bildungsroman heroine revisited* (2018) 16.
[237] S Fraiman *Unbecoming women*: *British women writers and the novel of development* (1993) 129.
[238] Unpublished: C Brändström '"Gender and Genre": A Feminist Exploration of the Bildungsroman in A Portrait of the Artist As a Young Man and Martha Quest D –Essay' unpublished essay , University in Galve, 2009 at 7.

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but also shows as an embedded social structure that is in several institutions.[239] In the traditional *Bildungsroman,* marriage becomes a tool that constructs, reconstructs, and preserves inequality. In the traditional *Bildungsroman,* the female has difficulties finding female mentors to help her grow. The male protagonist has in abundance mentors; David has Mr Wickfield while Oliver has Mr Brownlow. However, of the women in *David Copperfield* and *Oliver Twist,* nothing much is said about their mentors. What is clear is the undoubtedly male presence in their lives. For example, David's mother had her new husband as some form of a mentor. Dora had her father, Mr Spenlow, and David himself. David had on numerous occasions attempted to guide Dora much to his frustrations when she would not comply. Fraiman notes that when a husband becomes a mentor that reduces the apprenticeship process to a marital binding that fails to develop the female.[240] In other words, the marriage institution fails to develop the woman as compared to the man. Marriage does not only propagate the growth process of African women, it halts or impedes it. African women in marriage have roles to fulfil that their husbands and in-laws continually observe. Adichie and Banda-Aaku show the individuation struggles for African women in marriages. In *Purple Hibiscus*, Beatrice and Aunt Ifeoma struggle with the demands of their in-laws.

On the other hand, marriage is a legal entity whose social custom is legally recognised. That presents implications about the operations of the marriage institution bearing in mind the inequalities that exist between African men and African women. The root of these patriarchal inequalities is the social customs that countries legally recognise in marriage. The plural legal systems of most African countries place African women in further jeopardy when it comes to promoting and protecting their rights in marriage. Section 55 of the Penal Code of Northern Nigeria allows for wife battery as discipline as long as there is no infliction of 'grievous harm'.[241] In Nigerian areas that are more traditional, the courts and police are hesitant to protect women who have formally accused their husbands of abuse if the abuse does not exceed customary norms in the area.[242] Both these instances indicate attaching legality to social customs of marriage can result in challenges that affect African women without address through the same punitive legal system. In recognition of this quandary, the Maputo Protocol Article 6 states the responsibilities of State Parties in ensuring that men and women

[239] M Adams 'Gender inequalities in families' in BJ Risman and others *Handbook of the Sociology of Gender* (2018) 351 at 361.
[240] S Fraiman *ubecoming women*: *British women writers and the novel of development* (1993) 7.
[241] M Ssenyonjo *Economic, social and cultural rights in international law* (2016) 385.
[242] M Ssenyonjo *Economic, social and cultural rights in international law* (2016) 385.

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enjoy equal rights and are equal partners in marriage.[243] As much as State Parties and non-State Parties have obligations towards ensuring equal rights of men and women there is no guarantee of that fulfilment.

Writing on the economic, social, and cultural rights in international law Manisuli Ssenyonjo observes that despite the ratification of human rights treaties and progressive national constitutions, inequalities entrenched in patriarchy, stereotypes of roles of men and women in the family and society hinder the full realisation of the rights of (African) women.[244] *Purple Hibiscus* and *Patchwork* reveal these nuances about the lives of African women that make it difficult for them to enjoy their human rights. Ssenyonjo validates that due to patriarchy, gender stereotypes, culture (customary law), and society African women struggle to enjoy their economic, social, and cultural rights. This means the traditional *Bildungsroman* promulgating marriage as a reward and success is a fallacy for African women. Ssenyonjo states that many customary laws discriminate against (African) women. However, Ssenyonjo does not mention if law and human rights could be another reason for the challenges affecting African women. Ssenyonjo does not mention the likely impact of modernity on both law and human rights and the marriage institution. Postmodern feminists challenge the ability of modern legal theorists to understand and take into consideration the experiences, interests, and harms of (African) women.[245] Just as the traditional *Bildungsroman* gives a universalistic view of marriage, postmodernist feminists note law as complacent in the dominant conception of a universal gender that pursues the modernist concept of self. In other words, the dominant modern legal voice is male as seen in the modern use of self as referring to 'any individual'. Feminists denounce the self as 'any individual' because men and women have different experiences shaped by the internal and external environment. An African girl child is born in an environment that dismisses her experiences and silences her voice. That individual can never experience the success that the traditional *Bildungsroman* awards to the male protagonist.

The next section explores the relationship between the traditional *Bildungsroman* and human rights.

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[243] 'Protocol To The African Charter On Human And Peoples' Rights On The Rights Of Women In Africa' https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf (Accessed 29 June 2020).
[244] M Ssenyonjo *Economic, social and cultural rights in international law* (2016) 383-384.
[245] G Minda *Postmodern legal movements: Law and jurisprudence at century's end* (1995) 148.

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4.4TRADITIONAL *BILDUNGSROMAN* AND HUMAN RIGHTS SIMILARITIES

This section explores the parallels human rights have to the traditional *Bildungsroman*. The first section examines the features of the classical *Bildungsroman* followed by the exploration of the feminist critique of the traditional *Bildungsroman* genre. This section explores the bond of the human rights narrative to the traditional *Bildungsroman*. There are two major questions to answer in this section. How does the traditional *Bildungsroman* represent the human rights narrative? What is the impact of that relationship on the challenges confronting African women?

Firstly, Slaughter links the relationship between the *Bildungsroman* with the system of human rights. According to Slaughter, the *Bildungsroman* shares the same novel characteristics as human rights.[246] Both have a plot, characters, and settings.

Plot

Slaughter considers human rights a narrative and refers to its failure to achieve the Enlightenment promise as a loss of the plot.[247] In addition, Slaughter notes that the phrase loss of plot augurs with the language of human rights and the narrative theory that he explores.[248] The elements of a plot in a narrative are equally present in the human rights story. The narrative of human rights has the features of a novel hence the use of the term plot to explain its journey. A novel has a plot, characters, setting, and conflict for example. Slaughter writes that the traditional *Bildungsroman* shares the same plot with human rights in the attempt to manage 'human rebellion and state legitimacy'.[249] Put differently, the traditional *Bildungsroman* aims to educate the male about acceptable behaviour in his society. So do human rights, emphasizing educating society about living in harmony.

Douzinas, examining the poverty of rights jurisprudence, asserts that 'politics, morality, the law, world order: all revolve around rights.'[250] In other words, human rights are the modern

[246] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 7.
[247] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 87. Slaughter acknowledges that the phrase 'loss of the plot' is from Mary Robinson, the former High Commissioner of United Nations Office of Human Rights, during her exhortation to the United Nations in 1997 for losing its plot to other agendas.
[248] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 87.
[249] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 90-91.
[250] C Douzinas 'The poverty of (rights) jurisprudence' in C Douzinas & C Gearty (eds) (2012) *The Cambridge companion to human rights* 56 at 57.

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way of managing human conscience and validating the state. There is an emphasis that the people should adhere to those standards or face the arm of the law and society retribution. In *David Copperfield* (see Appendice B), David learns early on that rebelling against societal expectations delays his progress up the social hierarchy. When he attempts to rebel against his stepfather, Mr Murdstone, he is packed off to boarding school as a form of punishment and a learning opportunity. Mr Murdstone represents the human rights system that controls rebellion. The classic *Bildungsroman* gives the impression that Mr Murdstone is significant to the journey of David into the world. The success of David is due to Mr Murdstone nipping his rebellion earlier in life. That is to say as violent as Mr Murdstone was to David, his presence helped him mature and succeed. This echoes Douzinas sentiments about the poverty of rights jurisprudence noted earlier.[251] In addition, it draws attention to the paradox of systems of justice that are both violent and gentle.

Kambili in *Purple Hibiscus* begins as obedient to her father and teachers at school, unlike David it is through her breaking off the laws of her father that she begins to find herself. Kambili chose to keep the picture of her dead traditionalist paternal grandfather.[252] Even though Eugene punishes her for that behaviour, it is only through rebelling that she finds herself. African women's self-discovery proves more significant than obedience to societal expectations. In short, the human rights narrative lost the Enlightenment promise as Slaughter confirms. The continued subjugated position of African women in society contests the idea of the traditional *Bildungsroman* and human rights plot.

In addition to this, Slaughter explains two ways to view the plot. The first is a plot as 'narrativization of causality and consequence'.[253] This implies plot embodies the way humans view the world as connected and purposeful. Plot communicates the experiences of the world to better comprehend them. The second is a plot as a 'concerted effort to subvert entrenched power, authority, and institutions'.[254] This means the plot represents a determination to rebel against prevailing legitimacies of the fictional world. Similarly, Slaughter writes that the human rights plot that pursues integration stimulates a tension between uprising and

[251] C Douzinas 'The poverty of (rights) jurisprudence' in C Douzinas & C Gearty (eds) (2012) *The Cambridge companion to human rights* 56 at 57.
[252] CN Adichie *Purple Hibiscus* (2010) 197, 210.
[253] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 91.
[254] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 91.

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evolution.[255] Put differently, the human rights plot strives to foil the desire for rebellion into a plot of human nature growth, therefore, promoting the harmonisation of the state and the individual. As Slaughter notes, there is tension in attempting to harmonise where discordance prevails. Douzinas in his exploration of the end of human rights declares the triumph of human rights as a catastrophe in a world that is violent and chaotic.[256] In other terms, the world is already violent and chaotic, introducing human rights whose background is equally violent and chaotic is a tragedy. The rights of African women remain capsuled as a promise. How and why should African women accept harmonisation by a system that subjugates them?

Characters

The traditional *Bildungsroman* focuses on the journey of the male character. In the traditional *Bildungsroman*, the protagonist emerges into the world without an identity, without parents, empty, and needing guidance. Mentors guide the protagonist to navigate the world until he achieves success. Similarly, pre-Enlightenment, the world is without identity, chaotic, and without 'parents' to guide it. Human rights take the position of guiding the chaotic world into order and development. Douzinas, investigating human rights at the end of history, interrogates if human rights power the vitality of the world.[257] Seemingly, human rights regulate states and individuals such that the world is vulnerable without them. According to Slaughter, the main characters in the human rights narrative are the human person and the state.[258] Slaughter suggests that the human person in the human rights narrative has rights, therefore, is the protagonist that can embark on a journey of becoming. Just like Oliver in *Oliver Twist* and David in *David Copperfield*, the human rights characters strive to reach self-realisation while maintaining good relations with the state. Oliver and David achieve success and self-realisation after acquiescing to the conditions their society set. The human rights narrative set the same conditions for the human person and the state regulating that relationship to ensure the full self-realisation and development for the human person and the

[255] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 91.
[256] C Douzinas 'The end of human rights' http://www5.austlii.edu.au/au/journals/MelbULawRw/2002/23.html#Heading128 (Accessed 04 July 2021).
[257] C Douzinas 'Human rights at the end of history' (1999) 4 1 *Angelaki: Journal of the Theoretical Humanities* 99 at 99.
[258] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 90.

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state.[259] In other words, the assumption is human rights must regulate the relationship between people and the state to achieve the Enlightenment promise.

The notion that the human person and the state need human rights to humanise them provides the assumption of their characters as combative that cannot exist outside the control of human rights. Human rights then achieve the legitimacy to be part of society. The other assumption is that the human person in the human rights story is genderless, race-less, and therefore, can easily achieve self-realisation and success universally. The feminist critique suggests the fallacy of that supposition as far as African women are concerned.[260] Not only are African women absent in the traditional *Bildungsroman* narrative but also their absence in the human rights narrative explains why their challenges persist in the age of modern human rights.

Slaughter suggests that, the human person in the human rights narrative has rights, therefore, the protagonist can embark on a journey of becoming. However, Douzinas recognises the problems of the human person as the protagonist in the human rights narrative because of the gap that exists between the human rights ideology and their actual practice.[261] Despite the celebratory human rights story, the human person identity remains a privilege of males, African women remain invisible in both the classic *Bildungsroman* and the human rights narrative. African women writers' deliberate usurping of the traditional *Bildungsroman* is an opportunity to rewrite a story of African women's growth in her terms. It is the beginning of the deconstruction process needed to recognise African women as human and worthy of rights. The human rights narrative needs African women to retell it with them as central characters. This is not only African women at the centre of the narrative but also a declaration and repositioning of them as central to the development narrative in the society.

Setting

The setting is the time and place in which events take place in a story. The setting of the traditional *Bildungsroman* begins with a poor, chaotic environment to finish with a settled, peaceful background. This is true in *Oliver Twist* as Oliver begins his life at loss, an orphan in an extremely poor orphanage. Eighteenth and nineteenth-century society despised orphanages, children born out of wedlock, and unmarried pregnant women. This cultural setting establishes the customs, ideas, values, and beliefs of eighteenth-century society.

[259] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 89.
[260] A Pratt 'Women and nature in modern fiction' (1972) 13 4 *Contemporary Literature* 476 at 477.
[261] C Douzinas 'Human rights and postmodern utopia' (2000) 11 *Law and Critique* 219 at 221.

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However, this cultural setting seemingly represents the bourgeoisie life that despised poverty, appreciated classes, and concentrated wealth for the few. The setting forced the marginalised to strive to be part of the better classes in society. Oliver achieves this through his good behaviour, relations with the wealthy Mr Brown who adopts him, and the inheritance from his late parents.

Similarly, the setting of the human rights narrative begins with a world that has wars, slavery, colonialism, inequality, and other ills. In other terms, it is a world that had no recognition of human rights. Enlightenment reason paves the way for human rights as the saviour and liberator of a broken, chaotic world. Human rights redeem lost individuals and states once they accept the mandate to promote and protect them. In addition, the historical setting of human rights is rooted in Enlightenment promise and this continues to be the motivation for the idea of human rights. This is the desire to bring the whole world to a place where it is modern and progressive. The reality is the promise remains elusive to African women, as the setting of the human rights narrative contains elements that block off alternatives to the challenges confronting African women. The Enlightenment promise never had African women in its plans, therefore the human rights setting remains frozen in the Enlightenment ideal. The setting of the human rights narrative is obvious for its absence of African women in its narrative.

Secondly, the classic *Bildungsroman* and human rights attempt to offer some form of growth to the person. Slaughter refers to this as a promise of becoming.[262] This supposedly progressive and transformative growth leads to self-realisation and success. Slaughter notes that this transformative growth is an attribute of both the human rights and the *Bildungsroman* because of the desire to bring progressive change to humans.[263] The novel and human rights are apparatuses that form humans and the state making them powerful. The *Bildungsroman* novel has a goal to form a person while human rights form the state and the individual. On the surface, this is a simple plot, yet the many characters and subplots take that away. Beneath the transformative growth message that traditional *Bildungsroman* and human rights are questionable ideologies that postcolonial feminists prove to be patriarchal, chauvinist, and racist.

[262] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 97.
[263] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 92.

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The traditional *Bildungsroman* moulds the protagonist to yield to his society. Slaughter states that the *Bildungsroman* and human rights reconcile the individual and the society.[264] In addition, the design of the traditional *Bildungsroman* is specifically for transforming the protagonist to submit to the boundaries of his society.[265] Oliver and David do not hesitate to bow to the demands of their society. When David fails to get approval from Mr Spenlow to marry his daughter, Dora, he waits until he dies before marrying Dora.[266] The love David has for Dora is not reckless enough to go against societal expectations. Mr Spenlow represents the law of the Father that David reasons to keep. Similarly, the design of the human rights novel submits gently the human into its agenda of a world free of rebellion and war in keeping with the elusive Enlightenment promise. As the novel initiates, socializes, and assimilates the protagonist into society so do human rights. In other terms, the individual is humanised into his society. *Oliver Twist* and *David Copperfield* give humans face abstract ideologies of Enlightenment civilisation. Readers can relate to human suffering through the traditional *Bildungsroman*, therefore, legitimising the human narrative as necessary to alleviating human suffering.

The claim that traditional *Bildungsroman* and human rights reconcile the individual and society is irrational to feminists who argue against the patriarchal roots of both narratives. The validation of this stance is through the African female *Bildungsroman* text that upends the male-centric opinions that the classic *Bildungsroman* preserves and perpetuates. Adichie and Banda-Aaku deliberately create African female protagonists to exhibit the multiple challenges that fill the journey of the progress of African women. It is, therefore, perplexing that the traditional *Bildungsroman* and human rights should reconcile the individual and society yet African women remain absent and on the fringes of that society. Perhaps, as Douzinas notes the triumph of human rights is a paradox, as African women despite the celebratory narrative of human rights remain in the margins.[267] In short, reconciling African women and society is an entirely different narrative that must begin with the recognition of the oppressive, subjugate position that they occupy. In *Oliver Twist*, as stated earlier in this chapter the woman characters exist to help Oliver in his journey. The traditional *Bildungsroman* as reflected in *Oliver Twist* reconciles women characters in positions that

[264] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007) 100.
[265] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007)92.
[266] C Dickens 'David Copperfield' 828 https://www.planetebook.com/free-ebooks/david-copperfield.pdf https://www.planetebook.com/free-ebooks/david-copperfield.pdf (Accessed 30May 2020).
[267] C Douzinas 'Human rights and postmodern utopia' (2000) 11 *Law and Critique* 219 at 220.

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keep them subservient to the patriarchal systems of the eighteenth and nineteenth-century beliefs.

Slaughter terms the *Bildungsroman* and human rights 'enabling fictions'.[268] They both seemingly give an ideal relationship between an individual and society and between an individual and law. Like the *Bildungsroman*, human rights believe it can mediate between an individual and a society.[269] All this is idealistic and fails to reveal the challenges that African women encounter in their society. There is a call to look at other alternative modernities that can better improve access to justice for African women. The modernity that the traditional *Bildungsroman* symbolises favours a particular gender, race and colour. Alternative modernities mean the modern society accepting the co-existence of other discourses besides its own and recognising other people.

Reality is accepting other discourses that will compete or co-exist with the grand narrative of human rights are far from that simple. Many discourses compete to describe the human condition, some attempting to save the human condition from harm such as the human rights discourse and the traditional *Bildungsroman*. The intense desire to understand the human condition, to save and preserve it, creates an ambitious project of humans. This, as I explored in chapter 3 about the condition of African women illustrates that the process of understanding the place of African women cannot be left to solely the narrative of human rights. The absence of other narratives suggests an incomplete image of the condition of African women that leads to the human rights system's failure to address the challenges that confront them. Throughout this study, I allude to the intimate relationship that exists between human rights and Enlightenment modernity. The sharing of that need to see human growth and betterment of human condition fails for African women because of the inherent patriarchal tendencies of the institution of Enlightenment. Thus, Douzinas and Geary emphasise that a deconstruction of texts must involve the following:

[268] JF Slaughter 'Enabling fictions and novel subjects: the "Bildungsroman" and the international human rights law' (2006) 121 5 *PMLA* 1407.
[269] JF Slaughter 'Enabling fictions and novel subjects: the "Bildungsroman" and the international human rights law' (2006) 121 5 *PMLA* 1407.

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> …close reading, which would reveal contradictions, disparities, and conflicts within and between argumentative lines that frustrate the promises of the text's closure and open possibilities that textual surface ignore.[270]

In reading the human rights and the traditional *Bildungsroman* narratives, on the surface, they appear as enabling fictions, narratives of growth, education, and promise. The feminist critique of the traditional *Bildungsroman* uncovers prejudice that exists within the genre. The same prejudice seemingly exists in the human rights system as it fails to recognise the experiences of African women as unique to them. The human rights system like the traditional *Bildungsroman* is alien to African women. This alienation serves as a reminder of the many things wrong with a modern world that explains the subjugated position of African women in society.

Third, what concerns Slaughter in the study of the *Bildungsroman* and human rights is the attempt both narratives give of who a person is and how society attempts to mould that person to suit that identity. Slaughter concludes that both the *Bildungsroman* and human rights narratives at the end produce a person who is self-contradictory and philosophically unsure where they stand.[271] This indeed goes against the idea of self-realisation as posited in the traditional *Bildungsroman* of an individual who has self-realised should be reformed and be sure of their person. Equally, this concerns me too as I endeavour to understand human rights have not been successful in eradicating challenges confronting African women. If society, human rights, and law can create an individual as a social creature, it follows that the problems that African women contend with reside within that society, law, and human rights systems. Much like Slaughter's sentiments, the classic *Bildungsroman* and human rights produce few individuals who can create the society that these systems idealise. Slaughter suggests that the fault lies in both the *Bildungsroman* and the human rights system assuming that the individual personality they create is the exact copy of everyone.[272] In other words, the thought that the process of socialisation described in the *Bildungsroman* novel and the human rights system that assumes that an individual will obey the law and do all his duties as societally expected is false. The image that the traditional *Bildungsroman* and the human rights system project fails to take especially for African women as indicated in my discussion on the feminist critique of the traditional *Bildungsroman*.

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[270] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 67.
[271] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007)19.
[272] JF Slaughter *Human rights inc: The world novel, narrative form & international law* (2007)20.

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Finally, there is an unmistakable relationship between the *Bildungsroman* novel, human rights, and modernity. Modernity drove the growth of the *Bildungsroman* and the human rights narratives. Serena Parekh, considers the views of Hannah Arendt in the concept of human rights, thus writes that the emergency of human rights in the seventeenth and eighteenth centuries took place within the context of the rise of modernity.[273] The historical timeframe ties in the *Bildungsroman*, human rights, and modernity. Although numerous studies declare that human rights originated from the West, according to Jack Donnelly, in his argument of the universality of human rights, they did not originate from western cultural roots as many scholars have indicated, but they are social, economic, and political transformations of modernity.[274] To put it in another way, human rights developed in tandem with the growth and spread of modern markets and states. Therefore, the emergence of human rights is inseparable from modernity. Douzinas notes that human rights were first allied to specific class interests and were the ideologically and the political weapons in the fight of the rising bourgeoisie against the despotic political power and static social organisation.[275] This view shares similarities to the Enlightenment period that encouraged people to ask questions such as who is in authority, why are they in authority, and for whose benefit. Parekh confirms that modernity brought a radical change in how people regarded themselves, their realm, and principles.[276] In addition, Douzinas asserts that human rights won the ideological battles of modernity.[277] Furthermore, Douzinas explains that human rights did fulfil the promise of Enlightenment that is of liberation through reason.[278] The views Douzinas shares on human rights reveal the traditional *Bildungsroman* but even more pertinent, the influence of modernity on both. Modernity is a force that powers the systems of the world.

Like modernity, the *Bildungsroman* and human rights hold the promise of becoming, self-realisation and possibilities. The influence of modernity is especially glaring in how both the *Bildungsroman* and human rights are unsettled. Before modernity, God or in nature grounds the values of the people. However, modernity marks the end of divine existence as a way of

[273] S Parekh *Hannah Arendt and the challenge of modernity: A phenomenology of human rights* (2008) 1.
[274] J Donnelly 'The relative universality of human rights' (2007) *Human rights quarterly* 287.
[275] C Douzinas *The end of human rights: Critical thought at the turn of the century* (2000) 1.
[276] S Parekh *Hannah Arendt and the challenge of modernity: A phenomenology of human rights* (2008) 1.
[277] C Douzinas *The end of human rights: Critical thought at the turn of the century* (2000) 1.
[278] C Douzinas *The end of human rights: Critical thought at the turn of the century* (2000) 1.

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justifying the behaviour of people, their reality, and their understanding of life's meaning.[279] Modernity is groundless so are law and human rights. Parekh explains that modernity saw the loss of common sense and common reality.[280] In other words, modernity took away belief in divine existence and nature as measures of morality. The world embraced science and the belief that they can only know what they have made themselves.[281] The traditional *Bildungsroman* encourages the protagonist to take a journey of discovering who and their potential. Annabel Mooney explains that human rights inherently reinvent themselves to suit needs for that specific season.[282] This is also a feature of modernity that it can reinvent itself to permeate as many spaces as possible. Part of this study seeks to find the influence of modernity in law and human rights and their influence on the way African women enjoy their human rights.

African female-authored narratives seem to offer a wider interpretation of how to respond to the challenges of African women. *Purple Hibiscus* and *Patchwork* offer a glimpse of alternative modernities into how African women could develop.

4.5CONCLUSION

This chapter explores the features of the traditional *Bildungsroman* and the feminist critique of it. It builds on the previous chapter, which covers how African female written *Bildungsroman* novels reveal the challenges that confront African women. In addition, I explore the uncanny relationships that exist between the traditional *Bildungsroman* and the human rights systems.

The first half of the chapter attends to the traits of a traditional *Bildungsroman*. The choice of Charles Dickens' *David Copperfield* and *Oliver Twist* is to demonstrate the characteristics of the traditional *Bildungsroman* in my arguments. Both texts have a male protagonist whose journey closely resembles the German *Bildungsroman*. Firstly, the journey that the protagonist takes forms a critical step in the *Bildung* process. In other words, the protagonist needs to leave physically their place of 'comfort'. What motivates the journey is the loss that the protagonist experiences. Without the sense of loss, the journey of the protagonist loses purpose. I parallel the journey that the young male protagonist takes to that of modernity.

[279] S Parekh *Hannah Arendt and the challenge of modernity: A phenomenology of human rights* (2008) 1-2.
[280] S Parekh *Hannah Arendt and the challenge of modernity: A phenomenology of human rights* (2008) 3.
[281] S Parekh *Hannah Arendt and the challenge of modernity: A phenomenology of human rights* (2008) 3.
[282] A Mooney *Human Rights and the Body: Hidden in Plain Sight* (2016) 32.

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The young male protagonist is not only open to new things, but he also symbolises a new hope for better things, for progress, and the creation of a better man.

The traditional *Bildungsroman* considers the linear plot and the conflict, as specific designs to grow the protagonist toward his vocation. Each step that the protagonist takes presents him with growth opportunities to achieve self-realisation. The hope is the protagonist self-educates through his experiences. Within the experiences of the protagonist, there is tension between self-will and the force to rebel against societal expectations. The protagonist has to make a choice that either propels him to success or destroys him.

Self-realisation announces the protagonist as acknowledging that he cannot exist outside his society. It is a defining moment for the traditional *Bildungsroman* because this is the proof that the journey is necessary, that the protagonist is awake to the possibilities that his world offers if only he acquiesces to it. If he does, he is mature and independent. This implies that the protagonist can integrate into the society that rewards him with marriage, career and success.

The second half of the chapter examines the feminist critique of the traditional *Bildungsroman* with a specific focus on African women. Firstly, it was necessary to explore the definition of femininity from the traditional *Bildungsroman* perspective. This exploration brought to the fore the systematic stereotyping and oppression of women in the traditional *Bildungsroman*. In addition, systematic stereotypes cement the perception that women are weak, imbecile, childish, and incapable of pursuing goals outside the home space. What is glaring is that forces of patriarchy, religion, biology, and science construct and define femininity in the traditional *Bildungsroman*.

The absence of gender issues from the traditional *Bildungsroman* indicates the necessity of other narratives that challenge it. The African female *Bildungsroman* describes and centres the experiences of African women to the front. The bigger issue with the absence of gender issues is the invisibility of African women in the story of progress. The male plot projection versus female plot projection reveals the distinct differences that exist between the gendered plots. The male plot is linear while the female tends to be cyclical. The difference in the plots reveals that African women have too many impediments such that their growth process marginally differs from that of males in the traditional *Bildungsroman*. The process of growth of African women is unique to them; therefore, universal systems will not apply so easily to their challenges.

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The section on the similarities between the traditional *Bildungsroman* and the human rights system reveals their parallels. Both have features of a novel, which imply plot, characters, and setting. Human rights as a plot is an attempt to preserve the Enlightenment promise which both Slaughter and Douzinas consider a failure as the world is still as chaotic and dangerous. Even more, relevant to this study is that African women are yet to realise the promise of human rights or the one the traditional *Bildungsroman* promises.

The traditional *Bildungsroman* centres on the male characters while females support the protagonist. The human rights narrative considers the human person as the protagonist because the person has rights. Just as women are insignificant in the traditional *Bildungsroman* so are African women in the human rights narrative, as they seem rightless in practice despite the instruments that speak to that fact.

At the core of this relationship is the part modernity plays in the purpose of both. Both the traditional *Bildungsroman* and the human rights systems as enabling narratives guide and form the person into a good citizen. The link between modernity, the traditional *Bildungsroman* and the human rights system makes their authority as enabling narratives questionable.

The chapter that follows explores how African female-authored novels can contribute to jurisprudence that could enable the lives of African women.

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CHAPTER 5: CRITICAL JURISPRUDENCE AND AFRICAN WOMEN'S LIVES

> Aha! Because if you make a mistake, you patch it. You make the same one again, you patch it. Third time, patch it. And then what do you have? A big messy patchwork that everyone can see. Is that what you want? A vigorous headshake.[1]

5.1INTRODUCTION

In this chapter, I incorporate the previous chapters to consider the significance of critical jurisprudence to the lives of African women. The previous three chapters examine the relationship among law, human rights, modernity and African women. In particular, chapter 2 examines the features of legal modernity and human rights. The conclusion is that restricted jurisprudence that modernity champions fail to address the challenges that confront African women. Chapter 3 reveals from the novels *Purple Hibiscus* and *Patchwork* the challenges that confront African women. The significance of the chapter is that it reveals the challenges as well as their roots. Chapter 4 explores the main features of the traditional *Bildungsroman* and the feminist critique of it. The chapter considers the similarities between the traditional *Bildungsroman* features and the human rights narrative. This chapter applies a feminist lens to disclose the patriarchal, colonialist, and modern nature of the traditional *Bildungsroman* and human rights narrative that subjugates and excludes African women from a successful journey of development.

Thus, I integrate the previous chapters and build on their theory and critique to present a critical jurisprudential perspective on African women and their rights. Through a jurisprudential reading of *Purple Hibiscus* and *Patchwork*, I illustrate the contribution of postcolonial African women writers in their engagement with challenges confronting African women. To be specific, I underscore the significance of a law and literature approach to establish an empathetic jurisprudence of African women.

The quote above from *Patchwork* illustrates the relationship between African women, law and human rights. It seems colonialism, patriarchy, and modernity t continually impede the

[1] E Banda-Aaku *Patchwork* (2011) 119.

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access of African women to justice. In this context, human rights and law allow African women to patch up constant areas of their lives ruined by colonialism and patriarchy but seldom offer a realistic resolution. The tragic result is a big messy patchwork, which the protagonist Pumpkin claims everyone can see. In my view, if everyone can see the big messy patchwork that is the lives of African women why is there little effort to address that. Therefore, this study seeks to understand why human rights have not been successful in addressing challenges that face African women. I argue that it is necessary to have a critical jurisprudence that recognises and addresses the struggles and range of African women. In addition, the recognition of the destructive power of colonialism, patriarchy, and modernity on African women is pivotal in any jurisprudence that claims to uphold their human rights. Overall, the problems with human rights are jurisprudential. That is the moral, political, and ideological content of human rights derives from a restricted jurisprudence rather than a general one as Costas Douzinas and Adam Geary expound. The novels *Purple Hibiscus* and *Patchwork* become the wisdom, knowledge and consciousness of law that is absent in a restricted jurisprudence. In other words, novels provide insights into African women's experiences that are absent in a restricted jurisprudence. In this chapter, I propose an empathetic human rights jurisprudence that recognises and provides justice for African women.

To unravel the idea of an empathetic jurisprudence with a focus on African women, I explore the contribution of African female authors' work to African women's jurisprudence. In other terms, due to the failure of the grand human rights narrative to address the challenges that confront African women, literature may provide insights to resolve these. The fundamental question in this chapter is what and how can African female authors work to enrich law and human rights jurisprudence? Four key issues that are indispensable for African women jurisprudence emerge from reading *Purple Hibiscus* and *Patchwork*: empathy, humanness, intersectionality, and systematic inclusion. Empathy encompasses the capacity to recognise and reciprocate the feelings of another. In particular, empathy goes against Enlightenment reasons for thinking about others. However, empathy as an operational framework permits the survival of humanness. Humanness acknowledges African women as human. It is not up to a reason to decide their value as humans. Literature illustrates the systematic exclusion of African women's realities, experiences and bodies. When society considers African women human, then can it systematically equally include them? Empathy allows for the recognition of the intersectionality of challenges that confront African women. As a liberation force,

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intersectionality can disarm oppressive power structures, while simultaneously enhancing the ability of empathetic jurisprudence to respond. In short, the goal of this chapter is to advance the idea of African women centred human rights jurisprudence to address the challenges that confront them. Therefore, empathy, humanness, intersectionality and systematic inclusion may respond to the challenges that confront them.

In chapter 2, I examine the features of legal modernity and human rights. At the core of this chapter is the relationship law and human rights have to modernity. Modernity with its reason institutes the shift from general jurisprudence to restricted jurisprudence. For this reason, I indicate the problems of human rights originate in modernity reason, which translates to their failure to address challenges that face African women. The current human rights jurisprudence not only mirrors intolerant Enlightenment ideals of progress against African women but also transmits a colonial supremacy legacy. In addition, it casts a male gaze all over the idea and delivery of justice to African women. In other words, the current human rights jurisprudence is patriarchal therefore, that system cannot address African women issues that stem from patriarchy. Patricia A Cain, examines feminist jurisprudence in-ground theories, therefore, underscores the importance of feminist jurisprudence that it results from a female experience, a view that differs from the prominent male reality.[2] What emerges from this study is that law and human rights as restricted jurisprudence fail to acknowledge and address African women challenges. In response to that failure guiding the African woman driven human rights jurisprudence Costas Douzinas and Adam Geary advocate for a return to general jurisprudence:

> A general jurisprudence brings back to the centre the aesthetic, ethical and material aspects of legality. It reminds us that poets and artists have legislated, while philosophers and lawyers operate aesthetics of life to bring together the main ingredients of life, the biological, the social, the unconscious. General jurisprudence includes the political economy of law; the legal constructions of subjectivity; and how gender, race or sexuality create forms of identity, both disciplining bodies and offering sites of resistance.[3]

[2] PA Cain 'Feminist jurisprudence: Grounding the theories' (1988-1990) 4 *Berkeley Women's Law Journal* 191 at 191.
[3] C Douzinas 'A Short History of the British Critical Legal Conference or The Responsibility of the Critic' (2014) 25 *Law and Critique* 187 at 189.

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The intention of feminist jurisprudence in the guise of general jurisprudence is neither just to criticise inherent classifications for their exclusive consequences nor is it just to propose fresh classifications, but also to present categories, that assist to improve the position of African women in law. Furthermore, it is to sensitise the human rights jurisprudence to the role of gender. Therefore, it is imperative not only to deconstruct but also to recommend other possibilities to a human rights jurisprudence that is inclusive and progressive towards African women.

In the section that follows, I explain how literature reveals the importance of empathy, humanness, systematic inclusion and intersectionality as significant elements of African women jurisprudence. In chapter 3, the analysis of the novels reveals that African women confront a myriad of challenges that law and human rights continuously fail to address. Challenges such as sexual and gender-based violence, silence, abandonment, body shaming and many others persist despite the law and human rights. What literature demonstrates is that elements of empathy, humanness, systematic inclusion and intersectionality are critical to understanding the lived experiences of African women. Although the order of appearance of these elements serves a purpose, it by no means suggests that it is constant. Empathy is a departure point that creates an environment that enables one to comprehend and share the feelings of another. When a society is empathetic, it is possible to recognise African women as human with human qualities. The hope is humanness can attest African women as worthy to contribute meaningfully in their societies. Empathetic societies, that values humanness, may appreciate the intersectional challenges that confront African women. I hope that society may systematically include African women in areas that are out of bounds to them.

5.2 AFRICAN FEMALE NOVELS, FEMINISM AND THE JURISPRUDENCE OF HUMAN RIGHTS

The Enlightenment period as I stated in earlier chapters provides an environment that fosters the growth and progress towards civilisation that is moving from the ancient to the modern way of living. Industrialisation simplified printing books, therefore, increasing the popularity and access of the novel. The same era emboldens people to review issues of who rules them, how and why. Put differently, the idea of rights gains momentum even though they were initially for the privileged noble class. However, much relevant to this section, the Enlightenment epoch propelled the use of the novel in expressing the living conditions of people. Likewise, African female written novels describe the conditions and experiences of African women, therefore readily providing an African female narrative absent in the human

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rights jurisprudence. The novels reveal the absence of empathy, humanness and systematic inclusion of African women in society.

The necessity of empathy

Purple Hibiscus and *Patchwork* reveal that empathy is necessary to facilitate the dialogue on issues that are problematic to African women in society. Readers not only identify the problems but also imagine themselves within those situations. Moral imagination helps to understand and interpret the social reality of the individual and that of others.[4] On the contrary, modern moral imagination is a battlefield of antagonistic ideas and pictures of the world, discordant inclinations of cognisance or contradictory forms of culture.[5] Simply put, modernity avails many sources of information likely to influence moral imagination. For this reason, empathy remains fundamental to connect people and to search for ways to function safely as a society. Sadly, the organisation of modern society relies absolutely on law and human rights to determine social order rather than empathy. So far, the role of law and human rights as the keepers of social order proves problematic especially in addressing challenges that confront African women. I am of the view that empathy may surpass the oppressive ideas of colonialism, patriarchy and modernity that keep African women in a subordinate position in society. Empathy liberates not only African women but also humankind as a whole.

Empathy manifests as cognitive, emotional and compassionate. This implies empathy identifies with the idea of thinking, being sensitive and considerate about others. Ann Jurecic in her examination of the idea of empathy and its critique explains that scientists discovered mirror neurons that ignite when a person acts or feels an emotion and when that person observes someone having the experience.[6] Put simply, empathy is biological, inherent and our bodies respond to our showing empathy to somebody else. This does not imply that people use empathy in everyday situations. At times, the mindless modernist pursuit of individualistic progression, self-realisation and success rule out the idea of others. *Purple Hibiscus* and *Patchwork* demonstrate the impact of how modernity inspires the mindless pursuit of success through Eugene and JS who exhibit little concern for the women in their lives. At the core of the drive for success that Eugene and JS exhibit are the roots of Enlightenment ideals of progress, individualism, and competitive success. Human rights as a

[4] L Donskis *Power and imagination: Studies in politics and literature* (2008) xii, 76.
[5] L Donskis *Power and imagination: Studies in politics and literature* (2008) xii.
[6] A Jurecic 'Empathy and the critic' (2011) 74 1 *College English* 10 at 10.

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system promote the individualistic pursuit of success instead of group success. To date, marginalised groupings struggle to assert their rights through the human rights system because its roots are of individualistic Enlightenment ideals. In contrast, the concept of ubuntu, a common practice in southern Africa, is debatably believed to promote a collective progression and success of a community. This belief of collective progression and success of a community is contested in some sectors of the society. I further discuss this concept under the section of humanness.

Several studies exist to corroborate that the study of novels encourages the growth and practice of empathy in society. These studies carry different variables that separate one from the other but all point to the fact that reading literature may contribute to a better society. Raymond A Mar and others presented a study that explores the link between reading fiction and empathy while ruling out individual differences and examining outcomes.[7] The Mar and others study results reveal that fiction exposure invokes empathy in readers and improves their social ability.[8] In addition, the study rules out the idea of certain personalities as being susceptible to empathy.[9] People with personalities that are open to experience are most likely to feel empathy whenever reading because their minds operate that way. However, the study indicates that empathy happens to people who did not necessarily have an open to experience personality.[10] Furthermore, the study notes that exposure to fiction correlates with social support while non-fiction is associated with loneliness and negatively relates to social support.[11] In other terms, reading fiction produces a feeling for the reader that they are a part of the community they read. In comparison, non-fiction tends to produce a feeling of loneliness with little opportunity for sociability.

John Stansfield and Louise Bunce, in 2014 carried out a study with thirty-three participants to test prior exposure to fiction, transportation and a different measure of cognitive empathy,

[7] RA Mar and others 'Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes' (2009) 34 *Communications* 407 at 407.
[8] RA Mar and others 'Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes' (2009) 34 *Communications* 407 at 418.
[9] RA Mar and others 'Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes' (2009) 34 *Communications* 407 at 420-1.
[10] RA Mar and others 'Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes' (2009) 34 *Communications* 407 at 421.
[11] RA Mar and others 'Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes' (2009) 34 *Communications* 407 at 421.

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affective empathy and helping tendency.[12] The results reveal that exposure to fiction is associated with trait cognitive, but not affective empathy, while the experience of being transported is associated with story-induced affective empathy.[13] Readers who allow fictional narratives to transport them experience a sense of understanding and recognition of the characters. This means that reading fiction proves to encourage cognitive empathy. Cognitive empathy recognises what the other person experiences. The *Harvard Business Review* notes that increasingly there is a need to include a reading of fiction to business schools to produce future business leaders with empathy, theoretical and critical thinking skills.[14] This underscores the value of empathy not to the field of human rights but also in the business sector too.

What I observe from the research on the relationship between literature and empathy is that despite the many variables that each research pursues, the consensus remains that literature specifically novels may produce empathy in readers. What remains are, if reading these stories does indeed change the way people feel and view the suffering of others in society. This challenge is one of the reasons why some sectors of society do not believe empathy can successfully change the world for the better. I consider that although empathy alone cannot change the world, its absence seems to keep the world in constant chaos. The chaos is particularly tremendous for African women who as women always maintain a subordinate position in society. Therefore, the absence of empathy from a system of human rights that seems to order the world is indeed concerning.

Another link between empathy and reading fiction is that it recognises 'cognitive empathy as the ability to understand the world from another person's point of view and to infer beliefs and intentions, whereas affective empathy refers to the capacity to share another's feelings and emotions.'[15] In essence, cognitive empathy is an aptitude to recognise the reality of another person and to understand the opinions and purposes of that person. Affective empathy is the skill to participate in the emotions and feelings of another person. Patrick C

[12] J Stansfield & L Bunce 'The Relationship Between Empathy and Reading Fiction: Separate Roles for Cognitive and Affective Components' (2014) 5 3 *Journal of European Psychology Students* 9 at 11.
[13] J Stansfield & L Bunce 'The Relationship Between Empathy and Reading Fiction: Separate Roles for Cognitive and Affective Components' (2014) 5 3 *Journal of European Psychology Students* 9 at 14.
[14] C Seifert 'The case for reading fiction' https://hbr.org/2020/03/the-case-for-reading-fiction (Accessed 24 November 2020).
[15] J Stansfield & L Bunce 'The Relationship Between Empathy and Reading Fiction: Separate Roles for Cognitive and Affective Components' (2014) 5 3 *Journal of European Psychology Students* 9 at 9; See also Johan Lehrer *Proust was a neuroscientist* (2008).

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Hogan, in the examination of the place of literature in exploring emotion, draws from American author Johan Lehrer who explains that novelists sometimes illustrate or attract features of human insight, thought, feeling, or memory in ways that were more complex and accurate than the standard views of their contemporaries, including scientists.[16] In short, novelists through their stories explore human areas that were once the preserve of science. For that reason, literature may articulate better the description of human insight, feeling, and memory. The inability to manage, to understand human insight, feeling and memory can lead to conflict. Law and human rights seem to fail to manage and understand African women insight, feelings and memory. Colonialism and patriarchy continually subordinate African women as second-class citizens.

Rather interesting is that despite that Eugene appears without empathy towards his immediate family, he feeds his village and wins an international award from Amnesty World for his journalistic efforts that spoke out against a corrupt Nigerian government.[17] What makes Eugene empathise with the conditions of strangers rather than the people in his own family? To understand the emotional condition of Eugene, I suggest a look at his past. Eugene grows up poor; Catholic missionaries rescue him from a life of poverty.[18] His missionary education did not just educate him in an academic sense, but I believe his emotions and feelings various religious indoctrination numbs dead. Eugene displays the same coldness that Father Benedict exhibits when he learns that Mama is not well.[19] Father Benedict does not empathise with Mama but continues with his programme. Father Benedict is rigid and maintains that mindless pursuit of his goal to convert and inculcate 'pure' Catholicism in his congregants. Father Benedict is nonchalant about anything else outside that of successful Catholic converts of his African congregants much like Eugene.

Purple Hibiscus and *Patchwork* provide experiences and realities of African women that draw empathy from the reader. The novel gives a glimpse into how humans interact with one another. The silent relationship between Eugene, his wife and daughter reflects the power imbalance and patriarchal dominance that sustains it. In addition, the novel contextualises the conversations such that readers can recognise the motivations for various human conditions. Sophia A McClennen and Joseph R Slaughter, in their introduction of human rights and

[16] PC Hogan *What literature teaches us about emotion* (2011) 11.
[17] CN Adichie *Purple Hibiscus* (2010) 5.
[18] CN Adichie *Purple Hibiscus* (2010) 47.
[19] CN Adichie *Purple Hibiscus* (2010) 30.

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literary forms, declare that the language of human rights is everywhere.[20] This suggests the novel as a human rights language too. Douzinas shares the same view as McClennen and Slaughter, therefore, points out that despite the paradox of human rights, it is the only language available to assert rights.[21] I contend that what differentiates the universal language of human rights from others for example; the African female-authored novel is the idea of empathy that these stories invoke in readers. Ann Jurecic, in her examination of empathy and its critics, affirms that reading literature makes readers more emphatic.[22] Alternatively, reading is not a meaningless function but a productive enterprise towards recognising self and others. Recognising self and others is important to making the world a better place.

Why is empathy important?

Generally, society assumes the idea of empathy to exist in the concept of human rights. However, if that was the case, since the advent of the Universal Declaration of Human Rights (UDHR) the world should have been at peace, but the reality is that it is not so. Similarly, Douzinas in the end of human rights declares the success of human rights as a paradox.[23] If human rights promote empathy then challenges that face African women would be addressable. The irony is the modern world presumes human rights as the answer to its challenges, but she remains in turmoil. The world presumes human rights as a modern response to the challenges of a modern world. This response assures progress and success from an Enlightenment perspective. The Enlightenment model of success fails to address the challenges that confront African women because it seems to lack empathy.

Firstly, empathy is necessary for a sense of belonging.[24] A sense of belonging is a psychological feeling of attachment to something. African women are in a position where colonialism and patriarchy erode continuously their sense of belonging. Colonial and patriarchal values strip African women of the sense of being human subsequently relegating them to the margins of African society. In chapter 3, I examine how institutions of religion, culture, law and human rights work as custodians of the subordination of African women. Reading *Purple Hibiscus* and *Patchwork* exhibits the inconsistencies that society carries

[20] SA McClennen & JR Slaughter 'Introducing human rights and literary forms; or, the vehicles and vocabularies of human right' (2009) 41 6 *Comparative Literature Studies* 1 at 1.
[21] C Douzinas *Human rights and empire: The political philosophy of the cosmopolitan* (2007) 44.
[22] A Jurecic 'Empathy and the critic' (2011) 74 1 *College English* 10 at 10.
[23] C Douzinas 'The end of human rights' http://www5.austlii.edu.au/au/journals/MelbULawRw/2002/23.html#Heading128 (Accessed 05January 2021).
[24] EA Seagul *Social empathy: The art of understanding others* (2018) 30.

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about African women. Samantha van Schalkwyk, maps the African narrative landscape of female sexuality, and confirms that patriarchy othered African women such that they find themselves inferior to belong to the society.[25] At the core of the system of patriarchy is the idea of using power to make women inferior, insignificant and worthless. In addition, van Schalkwyk wonders how South African women in a post-apartheid South Africa can heal in a place where they do not feel they belong.[26] In the South African example that van Schalkwyk applies, the irony is that South Africa has one of the best constitutions but that seems meaningless if the society excludes the realities of women. Furthermore, Van Schalkwyk affirms that African women narratives dislocate the patriarchal accounts about female sexuality as they together subdue binaries of dominant discourses.[27] The novels place African women not only at the centre of society but also as part of those societies. *Purple Hibiscus* and *Patchwork* (see Appendice A) make African women visible to the larger society through the highlight of their narratives along with dominant ones. The hope is reading female written narratives encourages a sense of belonging not only in African women but also for men to realise that these women have the same rights to belong in that society.

Secondly, empathy is important because it promotes positive behaviour.[28] I suppose the idea of what positive behaviour is a mammoth task to delineate. Rather, positive behaviour in this study is the one that treats African women as deserving the same opportunities and treatment to men before the law. However, in Chapter 2, I establish the problems of legal modernity and human rights in addressing challenges that confront African women as inherent in Enlightenment reason. In an ideal world, men and women should be equal before the law. It is also essential to note that having empathy does not guarantee that one will always do good, but it does encourage one to think of doing good.[29] How does one define the good that is good for others? This is significant especially noting that human rights are a system that the world presumes ensures consistent good in society. Nevertheless, the good that human rights promote and protect fail to apply to African women. Richard IA Bethlehem and others used real-life scenarios to understand what leads people to be kind and confirm that the act of

[25] S van Schalkwyk *Narrative landscapes of female sexuality in Africa: Collective stories of trauma and transition* (2018) 178.
[26] S van Schalkwyk *Narrative landscapes of female sexuality in Africa: Collective stories of trauma and transition* (2018) 178.
[27] S van Schalkwyk *Narrative landscapes of female sexuality in Africa: Collective stories of trauma and transition* (2018) 178.
[28] EA Seagul *Social empathy: The art of understanding others* (2018) 32.
[29] EA Seagul *Social empathy: The art of understanding others* (2018) 32.

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doing good correlates with empathy.[30] People do well even if there is no benefit to them. Goodness needs no ulterior motives, although in some instances it does happen.

Thirdly, empathy is necessary for cooperation.[31] Cooperation means people working together; interacting in a manner beneficial to all.[32] In the absence of empathy, individuals fail to work together for the good of everyone because people cannot empathise with the situations of others. Marie McCarthy, studied the problems and possibilities of empathy, she observes that in making an effort to understand others, people recall moments of others understanding them.[33] However, the nature of the patriarchal society that Adichie and Banda-Aaku exhibit in the novels illustrates that African women rarely receive empathy from men. In *Purple Hibiscus*, Father Amadi stands out as understanding what Kambili experiences after the battering from her father.[34] Father Amadi seems in love with Kambili, which brings the question of whether he is displaying empathy, or love whenever he experiences the problems that Kambili confronts from her father. Father Amadi seems to relate generally well with all other individuals in the novel. It is not clear if it is religion or his upbringing that motivates his empathy. If religion is the source of Father Amadi's empathy, it will not explain why Father Benedict who practices the same religion did not exhibit any empathy at all. What remains true is that the novel allows the reader to experience the condition of being an African woman in a violent and intolerant environment. The hope is that after understanding that experience, the appeal for recognition of challenges that confront African women would receive a favourable response from the systems of justice.

Empathy discontents

However, as much as the idea of empathy presents an opportunity for African women to get justice, there are some arguments against it. Seagul admits that empathy is not necessarily the answer to a better life, but it does create a society that works together for safe and fulfilling lives.[35] Empathy is at the centre of prejudice, not kindness.[36] This idea believes that people

[30] RAI Bethlehem and others 'Does empathy predict altruism in the wild' (2017) 12 6 *Social Neuroscience* 743 at 748.
[31] EA Seagul *Social empathy: The art of understanding others* (2018) 35.
[32] EA Seagul *Social empathy: The art of understanding others* (2018) 35.
[33] M McCarthy 'Empathy amid diversity: Problems and possibilities' (1993) 3 1 *Journal of Pastoral Theology* 15 at 15.
[34] CN Adichie *Purple Hibiscus* (2010) 268.
[35] EA Seagul *Social empathy: The art of understanding others* (2018) 30.
[36] JL A´ lvarez-Castillo and others 'Is empathy one of the Big Three? Identifying its role in a dual-process model of ideology and blatant and subtle prejudice' (2018) 13 4 *PLoS ONE* 1 at 2.

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feel empathy for people who they feel are different from them, as in, they are not in the same situation as they are. Instead of empathy, this scenario creates meta-stereotypes, which is a stereotype from which another group views or judges another. For example, African feminists decry the mentality of western feminism that regards African women as needing a saviour in the form of western feminism. This view regards African women as the other that needs saving.

Secondly, empathy is not necessary to do good.[37] It is possible to do good with low levels of empathy. Religious or social movements could influence this. People do good because it is the right thing to do, not necessarily because deep inside there is a conviction to do good. Today, the world recognises human rights as a yardstick for doing good despite their problems of conceptualisation and operations that force others to bend to their will. The novel that inculcates empathy can also act as a tool that spread messages of good without necessarily convicting the heart and mind of the reader. It is possible that empathy can cause immoral choices.[38] For example, now in South Africa, there is a strong rise of groups of people who believe that South Africans should be first for all available opportunities. The hashtag 'PutSouthAfricansfirst' trends continuously. The group feels strongly that South Africans deserve better. The hashtag has several stories that denounce foreigners who seek greener pastures in South Africa. This group believes that it is doing a greater good by protecting the interests of South Africans from foreigners. Some of the opinions expressed under this hashtag border on hate speech and the likelihood of inciting violence against foreigners. The sentiments under the group 'PutSouthAfricansfirst' echoes what is happening in the world in the wake of the Covid 19 pandemic. There is an increase in the need to protect precious resources from foreigners at all costs, even if it includes immoral choices. The latest research in psychology and neuroscience shows, people express empathy mostly towards those they find attractive and who appear to resemble them and not at all for those who are dissimilar, distant or nameless.[39] Empathy, therefore, biases us in favour of individuals we know while numbing us to the plight of thousands.[40] If this position is true, it

[37] EA Seagul *Social empathy: The art of understanding others* (2018) 39.
[38] J Zaki 'Empathy is a moral force' in K Gray & J Graham (eds) *Atlas of moral psychology* (2018) 49.
[39] S Illing 'The case against empathy' https://www.vox.com/conversations/2017/1/19/14266230/empathy-morality-ethics-psychology-compassion-paul-bloom (Accessed 5 December 2020).
[40] S Illing 'The case against empathy' https://www.vox.com/conversations/2017/1/19/14266230/empathy-morality-ethics-psychology-compassion-paul-bloom (Accessed 5 December 2020).

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does not explain why Eugene finds empathy for the rest of the people outside his immediate family. Eugene won an Amnesty World human rights award for his bravery and fight against a corrupt government.[41] Sadly, Eugene is oblivious and without empathy as far as his family plight is concerned.

Empathy, law and human rights

The concept of human rights ground in the seventeenth and eighteenth-century Enlightenment era that recognises the self; encourages pursuit of that individual progress, self-realisation and success story. In chapter 2, I explain how modernity influences the pursuit of professionalism and how law becomes the preserve of lawyers. This implies other fields of study that could provide a cognitive and moral understanding to law lost to reason.[42] How does the law respond to the pain of others? Law insists that it is autonomous, self-determinant and true such that none can challenge its position of privilege, which creates and maintains social order. Law distances itself from emotions. Yet emotions and empathy co-exist.

I propose that empathy may offer an alternative to address the challenges that face African women. No number of international laws alone can mean eradication of the ills that grapple the world. This is not to suggest that empathy alone is the key, but it does set the environment that foster thinking about others or the experience of being in the shoes of others. As this study shows, African women continue to suffer challenges that systems of law and human rights seemingly fail to address. Empathy works persuades individuals to believe in the system of human rights.[43] Although human rights as a system view themselves as universal, this creates even more problems that cultural relativists widely discuss. Although empathy persuades people to believe in human rights, human rights need the idea of empathy at its core, that ability to be able to see the world from the eyes of others. In other terms, without empathy, the ability for human rights to address the challenges confronting African women may be debatable.

[41] CN Adichie *Purple Hibiscus* (2010) 5.
[42] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 4.
[43] M Bujic and others '"Empathy machine": how virtual reality affects human rights attitudes' (2020) 30 5 *Internet Research* 1407 at 1409.

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Narnia Bohler-Muller explores the law of the father, the emotions and equilibrium, cautions that the suppression of the feelings leads to the demise of the struggle for justice.[44] Bohler-Muller links empathy with justice. The law of the father suppresses the idea of feelings, of emotions, so how is it empathetic towards the challenges facing African women. In *Purple Hibiscus*, Eugene uses his skewed version of religion to numb his feeling, emotions towards his family. That numb Eugene commits violence against his family. This reaffirms the idea that emotions, feelings are a motivation towards justice. Eugene equally uses religion to numb the feelings of Kambili about his treatment of the rest of her family. Beatrice hardly displays any emotions or feelings about her situation. However, readers can deduce the reason why Mama seems aloof from the events in her home.

The reality is the world has many Eugenes who would be empathetic only to issues outside their immediate circle. Most African countries are a kind of a Eugene; they empathise with people outside their immediate circle. African women fall behind on many agendas in favour of issues that patriarchy control. What Eugene has is power over his immediate family, he has power over the *umunna*; he has power over the readers of his newspapers. Power enables Eugene to receive recognition, to perform some 'good' in his society. The anomaly is that he never shares that empathy with his family. The influence and power that Eugene exerts over his businesses, his church and his community left little empathy for his family. Seagul writes about the dilemma that exists among power, politics and empathy, and wonders if the power makes it difficult to consider the conditions and demands of others.[45] Psychologist Paul Bloom writing against empathy goes against the grain as he considers empathy as a source of human conflict that people overlook.[46] This suggests that empathy in difficult situations can favour one person over many, which may result in conflict. Conflict arises when society compromises fairness and justice. Sean Illing cites Bloom, demonstrating with absolute clarity that, in the face of moral decision-making, the tendency is to opt for reason and compassion, not empathy for direction.[47] As I explain in depth in chapter 2, the absence of moral or ethical inclination in legal modernity and human rights in pursuit of professionalism indicates that the law and human rights function technically rather than empathetically. This

[44] N Bohler-Muller 'The law of the father, emotions and equilibrium' (2006) 21 *SA Publiekreg/Public Law* 299 at 300.
[45] EA Seagul *Social empathy: The art of understanding others* (2018) 89.
[46] P Bloom *Against empathy: The case for rational compassion* (2016) 1.
[47] S Illing 'The case against empathy' https://www.vox.com/conversations/2017/1/19/14266230/empathy-morality-ethics-psychology-compassion-paul-bloom (Accessed 5 December 2020).

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implies at the loss of cognitive and moral aspects that the law and human rights became more concerned about the ideals of justice rather than the potential of justice.

Why the absence of empathy in human rights is a problem?

The neglect of emotions for reason in human rights ideology presents an interesting scenario as human rights work as a tool that maintains social order. This assumption denotes that human rights have a certain degree of moral standard.[48] This certain degree of moral standard implies the system of human rights is critical to the maintenance of social order. However, human rights consider that reason is enough to maintain social order in society. The reliance on the reason for moral judgement is from one of the prominent moral philosophers Immanuel Kant.[49] The problem with reason is that it undermines the power of emotions in considering the plight of others. Reason forces one to numb their feelings while making a decision that has the greatest outcome. However, the good that reason produces tends to be mechanical and lacks empathy. This is the present state of human rights, mechanical and technical but lacking emotion. Can reason and empathy co-exist successfully?

The idea of reason resonates with the modernist project of progress and success. Reason ensures that only it and nothing else is at the core of moral judgement. Since then, the world operates from the premise of reason. The modern world certainly considers reason central to its operations.[50] This includes controlling the perception of justice as based on reason, not empathy. Modern reason implies that 'self-sufficiency, self-exploration, self-esteem, dignity and self-responsible independence' is the epitome of the modern way of thinking.[51] This produces a modern being that is immune to control of emotions.

The absence of emotions means that the motivation to understand the plight of others is vulnerable to the coldness of reason. In addition, reason threatens what is truth. If reason controls truth, it suggests that truth is open to manipulation. This study seeks to understand why challenges that confront African women persist despite the promises of law and human

[48] F von Harbou 'A Remedy called Empathy: The Neglected Element of Human Rights Theory' (2013) 99 *2 Archiv für Rechts- und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy* 131 at136.
[49] F von Harbou 'A Remedy called Empathy: The Neglected Element of Human Rights Theory' (2013) 99 *2 Archiv für Rechts- und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy* 131 at 136.
[50] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 309.
[51] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 309.

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rights. The reliance on the reason of modern legal jurisprudence infers that its response to challenges that face African women is erroneous and lacks empathy. This results in the miscarriage of justice especially for those in the margins of the society whose voices will not reach the seat of reason. To that end, Douzinas and Geary question how the legal system seems aloof from the belief in morality.[52] The novel avails back that intimacy that empathy presents to the reader through the various situations of characters consequently, encouraging the reader to engage. In *Patchwork* (see Appendice A), Banda-Aaku describes the death of BaDodo through an inferior illegal abortion so vividly that the reader shares the injustice that occurs to her. This motivates the reader to reconsider the right to abortion for women and girls like BaDodo. The novel constructs an environment that motivates the reader to act against forms of injustice.

Helle Porsdam explores the nexus that exists among empathy, literature and human rights therefore, asserts that fiction writers desire to produce emotions fully aware that fiction is consummate in examining the social and emotional life of people.[53] In addition, fiction writers seize the emotion readers experience while associating with the narrative - a tool that gratifies the desire to belong.[54] What the reader encounters is empathy for what BaDodo confronts before the recognition of the right to abortion. In other terms, empathy encourages the idea of justice for others. Douzinas and Geary gives a sombre view of how people can easily identify injustice, fight for injustice using all reason but when conferring the merits of justice, both certainty and emotion recede.[55] Douzinas and Geary accentuate the importance of a society that normalises justice for everyone. The human rights system desires people to engage and apply its philosophy to keep the world at peace but I argue that is much more possible if empathy is part of the human rights jurisprudence. This is because justice is more than just about law at work but also the lived experiences of people that law affects.[56] The relationship of law, justice and empathy is complex but human remains at the core of this relationship. Humans seemingly respond to the idea of empathy concerning others.

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[52] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 24.
[53] H Porsdam 'Empathy, Literature and Human Rights: The Case of Elliot Perlman, The Street Sweeper' I Ward (ed) *Literature and human rights: The law, the language and the limitations of human rights discourse* (2015) 9 at 9.
[54] H Porsdam 'Empathy, Literature and Human Rights: The Case of Elliot Perlman, The Street Sweeper' I Ward (ed) *Literature and human rights: The law, the language and the limitations of human rights discourse* (2015) 9 at 9.
[55] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 28.
[56] J Decety and JM Cowell 'Empathy, justice, and moral behavior' (2015) 6 3 *The American Journal Of Bioethics Neuroscience* 3 at 3.

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As much as I advocate for human rights jurisprudence that consider empathy, Porsdam warns of a downward side of empathy when coupled with human rights. Porsdam asserts that empathy coupled with human rights may make people care more about attractive victims than unattractive victims.[57] This is a common problem with the humanitarian sector. Some challenges attract more world attention than others do. Local, regional and international stages consistently overlook the plight of African women. In addition, Porsdam notes that empathy can easily overwhelm the normative dimension of human rights. [58] The concern of Porsdam is empathy can overpower the initial purpose of human rights. For that reason, Bloom asserts that the world is better off relying on reason rather than empathy for moral judgement.[59] What concerns me is that to rely on human rights is to permit reason and its coldness to continue to keep African women in a subservient position. In chapter 2, I examine the problem of modernity on law and human rights and what is clear is that law and human rights contribute to the subjective position of African women. This, I argue explains why law and human rights struggle to address challenges that confront African women. The move from a general to a restricted jurisprudence means that law is emotionally poor.[60] This means this shift took away emotions from the law leaving it seems distant from the realities of African women. This study uses the female written African novels to bring closer to the reader not only the plight but also the experiences of African women that patriarchal society keeps out of dominant narratives. African female written novels emphasise empathy as healthy to society. Sadly, human rights without empathy offer an engagement that simply at its best thinks there is a problem but not necessarily where, why and how. The plight of African women needs an urgent societal address.

The idea of humanness

The novel and humanness

[57] H Porsdam 'Empathy, literature and human rights: The case of Elliot Perlman, the street sweeper' in I Ward (ed) *Literature and human rights: The law, the language and the limitations of human rights discourse* (2015) 9 at 11.
[58] H Porsdam 'Empathy, literature and human rights: The case of Elliot Perlman, the street sweeper' in I Ward (ed) *Literature and human rights: The law, the language and the limitations of human rights discourse* (2015) 9 at 11.
[59] S Illing 'The case against empathy' https://www.vox.com/conversations/2017/1/19/14266230/empathy-morality-ethics-psychology-compassion-paul-bloom (Accessed 5 December 2020).
[60] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 349.

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Empathy brings out humanness. The novels understudy exhibits the value of humanness in building a peaceful equal society. The same novels equally show the impact of the absence of humanness at various levels of relationships. Adichie parades the absence of humanness between the government of Nigeria and its people, between Aunty Ifeoma and her employers, between Eugene and his immediate and extended families. In *Patchwork*, the same absence of humanness and its negative impact, Banda-Aaku demonstrates between BaDodo and the state of Zambia, between JS and the numerous women in his life.

Humanness refers to the condition or quality of being human. It is easy to assume that all people are human but reality shows that is not the case. Human rights instruments emphasise the idea of being human indicating that at some point in time people will recognise other people as not human enough to deserve the same rights as them. Research on humanness in psychology refers to humanness between humans and non-human for example between humans and animals or humans and machines.[61] This means a possibility of the idea of humanness as stretching beyond the humans. That is the idea of humanness exists even in non-humans. We accord human traits on non-humans. In this section, I attempt to find the divide between humans and non-humans; between men and African women. I hope that this distinction could explain why human rights fail to address adequately the challenges that face African women. What makes society treat African women inhumanly as underserving empathy?

Sociologists indicate that societies are hierarchical therefore, there is always a need to emphasise the humanness of people. Human rights emphasise that all humans by being humans have rights. However, in Chapter 2, I argue the problems that this statement poses that history, literature, sociology and law demonstrate that not all humans are equal, therefore, undeserving humanness. Systems of colonialism and patriarchy, society especially designed to take away the humanness and dignity of those it deems inhuman. Human rights are not exempt from that system that takes away humanness from those that deserve it. This behaviour attracts the attention of human rights critics. Makau Mutua in his introduction to savages, victims and saviours as a metaphor of human rights proclaims that the celebratory human rights challenge savages against victims and saviours.[62] The terms savages, victims

[61] SG Wilson & N Haslam 'Humanness beliefs about behaviour: An index and comparative human-nonhuman behaviour judgments' (2013) 45 *Behavior Research Methods* 372 at 372.
[62] M Mutua 'Savages, victims and saviours: The metaphors of human rights' (2001) 42 1 *Harvard International Law Journal* 201 at 201.

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and saviour indicate the impression of a segregated society. Savage is a hard word to attach to a human. Yet colonialists employ the word to refer to colonies that need enlightenment. Modernity through globalisation affirms and maintains the beliefs of colonialism and patriarchy as acceptable conditions in society. The human rights system asserts that it desires to eliminate all discrimination and inequalities that the world constantly grapples with.

Stephen Hopgood, another critic of the human rights system in his provocative analysis of the end times of human rights describes the human rights system as a philosophical excuse that supports the survival of inequity and injustice in society.[63] Correspondingly, Samuel Moyn in his examination of ways and reasons society chooses human rights as moral epitome while overlooking the difficulties of a wider social and economic justice, likens human rights to the modern age prison of inequality.[64] Following this, apprehensions from Hopgood and Moyn indicate the absence of humanness from the system of human rights even though the world considers it a moral and just system. The novel disarms and reveals the inconsistencies that the human rights system preserves against African women. Subsequently, Douzinas and Geary explain that the link of the novel to the modern social world makes it fortunate enough to proposition real conversation with humans as a social being in a recognised context at a deeper level.[65] The novel holds a place that reveals the human relations and the forces that govern them. The novels expose relationships and forces that attribute and deny humanness to the other. In chapter 3, I contend that *Purple Hibiscus* and *Patchwork* illustrate that patriarchy, colonialism and modernity work together to deny African women humanness.

The question that may arise is how human rights contribute to denying African women their humanness. I appreciate this argument back to the Enlightenment era because it set in motion the thinking about others that is prevalent in modern law and human rights. Enlightenment encourages platonic idealism that separates form and appearance, which directs the way individuals observe and understand the world.[66] Platonic idealism emanates from the Greek philosopher Plato who notes that only ideas capture the true and essential nature of things, in a way that the physical form cannot.[67] In short, knowledge is inherent and not discovered

[63] S Hopgood *The endtimes of human rights* (2014) 2.
[64] S Moyn *Not enough: Human rights in an unequal world* (2018) 6.
[65] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 350.
[66] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 309.
[67] P Guyer & R Horstmann 'Idealism' https://plato.stanford.edu/cgibin/encyclopedia/archinfo.cgi?entry=idealism (Accessed 09 December 2020).

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through experience. Enlightenment constructs a philosophy of self that clearly distinguishes between the 'inside' and 'outside'.[68] Simply put, this means a separation of the body from the mind. As a thought process, it means an individual separates between pure truth and inconsistent perception. The mind understands what the situation is but it divorces itself from reality. The same process shapes the society to believe in rationality rather than the experience outside the mind. The knowledge that disassociates from the ontological Being that results in pure representation determines the belief in the 'inside 'and 'outside' concept.[69] The use of reason gives rise to the separation of many ideas that centre on reason and experience. Law separates from emotions and feelings. Reason emerges above emotions to produce enlightenment individuals who are masters of rationality, self-sufficiency, self-exploration, and self-responsibility.[70] In other words, reason produces a modern self-centred individual. The idea of others fails to exist within an environment that fosters the psychological and physical emancipation of the self. The belief of humanness flounders and seems foreign in a self-centred environment. If reason decides who is human, the possibilities of error are high and so is human error conflict. In essence, Enlightenment reason controls knowledge, truth and the definition of being human.

The link between human rights and denying African women humanness begins with human rights as a product of Enlightenment. As I noted previously, the Enlightenment period emphasises the application of reason to master the world. Human rights as a system of a social order whose roots are in Enlightenment reason create a selfish being. Human rights prescribe what a human is which eliminates the humanness in the human to leave a selfish being. Subsequently, I explore three opinions that point to human rights as denying African women their humanness.

First, human rights assert themselves as universal and inalienable. This narrative, the world believes as true. This continues to be the basis of human rights discourses to the world. As universal, human rights can assume to apply to any society. As inalienable, human rights belong to every human being but they are also vulnerable to violation. The concept of universalism assumes that all humans are the same; therefore, the system that controls various

[68] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 308.
[69] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 309.
[70] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 309.

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societies is universally the same. Nevertheless, feminists dispute that men and women are the same. Catharine A MacKinnon writing on sex discrimination, disputes strongly that idea of sameness that universal human rights grand narrative project; that sameness gives women access to what men already have.[71] In addition, MacKinnon states that the use of the sameness theory means the standard that applies to men applies to women.[72] Furthermore, MacKinnon reveals that a subtext exists in the sameness concept in which men is the standard for everything.[73] In short, MacKinnon points to the imbalance in the society that favours men such that as law tries to address that imbalance it reverts to attempt to match the standard that men have to women. That idea is problematic, as men have had centuries of privilege, access and control. Does this mean women get to have the same privilege, access and control in a patriarchal society? The sameness theory concentrates on matching the standards that apply to men rather than listening to the experiences and expectations of women.

Sonia Tascon and Jim Ife examine whiteness and being human explain that although human rights may be an acceptable political-moral idea, it is not clear whose humanity they promote.[74] In addition, Antonius Puspo Kuntjoro studies stories about the humanness of victims of violence, and concludes that the definition of humanness is inexhaustible and probably will never be.[75] Furthermore, Hannah Arendt, discussing the human condition, asserts that we can never know what a human being is.[76] Subsequently, since there is no clarity over what humanness is, as Kuntjoro suggests, no clarity of what a human being is as Arendt declares, the question is which humanness does the human rights system, advocates. In addition, this lack of clarity on what humanness possibly explains the reason why human rights fail to address challenges that confront African women. The kind of humanness from Enlightenment that human rights promote fails to align and resonate with the meaning of justice for African women.

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[71] C MacKinnon 'Difference and Dominance: On Sex Discrimination' 382 http://www.oregoncampuscompact.org/uploads/1/3/0/4/13042698/difference_and_dominance_-_on_sex_discrimination__catherin_a_mackinnon_.pdf (Accessed 16 December 2020).
[72] C MacKinnon 'Difference and Dominance: On Sex Discrimination' 382 http://www.oregoncampuscompact.org/uploads/1/3/0/4/13042698/difference_and_dominance_-_on_sex_discrimination__catherin_a_mackinnon_.pdf (Accessed 16 December 2020).
[73] C MacKinnon 'Difference and Dominance: On Sex Discrimination' 382 http://www.oregoncampuscompact.org/uploads/1/3/0/4/13042698/difference_and_dominance_-_on_sex_discrimination__catherin_a_mackinnon_.pdf (Accessed 16 December 2020).
[74] S Tascon & J Ife 'Human rights and Critical whiteness: Whose humanity?' (2008) 12 3 *The International Journal of Human Rights* 307 at 312.
[75] AP Kuntjoro 'Towards more stories about humanness of the victims' (2020) 5 *Journal of Human Rights and Social Work* 48 at 55.
[76] H Arendt *The human condition* (1958) 10.

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On the other hand, the expanse of humanness demonstrates the reason I advocate for a human rights jurisprudence that considers empathy that recognises humanness. The current human rights jurisprudence has failed to address challenges confronting African women because the concept of humanness it produces considers the male human more deserving of humanness. Feminists counter instances in the legal territory that exhibit, promote and sustain a narrative of gender inequality. Minda in his analysis of feminist legal theory indicates that feminists censure the impartial assertions of law to preview what law would be like if feminist values determine the structure.[77] The purpose of feminists is important in challenging systems that maintain patriarchy and colonial tendencies that preserve gender inequality. Feminist Mary Joe Frug, explaining from a postmodern legal feminism perspective, proclaims that any attempt to duplicate the rights of women to that of men will unsurprisingly fail to produce equality.[78] In addition, Joe Frug asserts for the application of the dominance model to look at the world from a viewpoint of women with the knowledge that derives from the experiences of women. [79] Society continually ignores and undermines the viewpoint and experiences of African women who struggle under the burden of colonialism and patriarchy. For that reason, this study applies the law and literature approach to highlight the viewpoint and experiences of African women. The dominance theory demonstrates that males unequally dominate society and that anomaly the justice system perpetuates. As a result, a human rights jurisprudence must recognise this anomaly if the idea of an empathetic, humane human rights jurisprudence can provide justice for African women. MacKinnon the pioneer of the dominance model explains the doctrine of sex discrimination law in the United States of America.[80] The concern for McKinnon is that despite the sex law, women still did not have what should be rightfully theirs because of being born female.[81] In essence, humanness whose ground is a patriarchal source remains meaningless to addressing challenges that confront African women. Even if human rights is a universal system, it still seems to fail to address the challenges African women face because as Minda, Joe Frug and MacKinnon elucidate it continues to foster male dominance over women.

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[77] G Minda *Postmodern legal movements: Law and jurisprudence at century's end (*1995) 146
[78] M Joe Frug *Postmodern legal feminism* (2013) xii.
[79] M Joe Frug *Postmodern legal feminism* (2013) xv.
[80] C MacKinnon 'Difference and Dominance: On Sex Discrimination' 382 http://www.oregoncampuscompact.org/uploads/1/3/0/4/13042698/difference_and_dominance_-_on_sex_discrimination__catherin_a_mackinnon_.pdf (Accessed 16 December 2020).
[81] C MacKinnon 'Difference and Dominance: On Sex Discrimination' 382 http://www.oregoncampuscompact.org/uploads/1/3/0/4/13042698/difference_and_dominance_-_on_sex_discrimination__catherin_a_mackinnon_.pdf (Accessed 16 December 2020).

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Secondly, the essence of human rights remains in western knowledge that promotes the success of the individual. The novels of Charles Dickens, *David Copperfield* and *Oliver Twist* narrate the process and success of a progressive man. The concepts that propel and determine the success of the Enlightenment individual fails to apply to African women. The context and cultural background does not resonate with the colonial and patriarchal environment that continually dictates the life of African women even in post-independent Africa.

Third and final, human rights seemingly privilege the 'human' but not the African woman human. This implies human rights system seems to fail to acknowledge African women as human. The fabric that makes African women, that defines their identity and self does not match with the Enlightenment ideals of women, let alone African women. Feminists argue that modern legal jurisprudence is 'masculine' both in terms of the particular beneficiary and in authorship.[82] This suggests that the recipient and the creator are males. African women seem absent from human rights jurisprudence as human beings, absent from the law's protection and jurisprudence does not recognise African women because the law does not protect them. Perpetual challenges such as sexual, gender-based violence, inequality, discrimination in *Purple Hibiscus* and *Patchwork* demonstrate the failure of human rights to provide justice. The masculinity theory asserts that 'the meaning of manhood influences the behaviours, ideologies and institutions.'[83] In short, this theory not only reveals how masculinity shapes societal behaviours but also how it entrenches itself in various institutions of a society. Consequently, for feminists, masculinity theory exposes how society uses it to produce power. The foundations of the human rights system are male therefore; human rights become a custodian of a patriarchal system that fails to address challenges that face African women.

The nature of a patriarchal system is such that it relegates African women as the other, therefore, undeserving of identity as human. If the law is masculine, it follows that it is patriarchal subsequently; it denies African women the opportunity to experience humanness. Equally, it is imperative to note that since masculinity permeates all institutions, it suggests that whatever place or position African women may interact with has a masculinist patriarchal subtext. Society thus interprets the belief of humanness, of empathy from a masculinist patriarchal approach.

[82] R West 'Jurisprudence and Gender' (1988) 551 *University of Chicago Law Review* 1at 2.
[83] AC McGinely & FR Cooper *Masculinities, multidimensionality & law: Why they need one another other* (2012) 1.

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According to Samuel G Wilson and Nick Halsam in their study of lay beliefs about the humanness of human behaviour, point to humanness is focusing on three human attributes that are personality traits, emotions, and mental capacities.[84] Humans use these attributes to judge whether another human deserves human treatment or not. However, the Wilson and Halsam study does not consider race, gender, colour and many others. The same standards do apply in deciding whether one needs empathy or not. While it is true that empathy can extend to non-humans such as to animals, the argument remains that the humanness in humans in the patriarchal society should not deny solely human reason. Human reason is imperfect. Various philosophies easily cause human reason to create stereotypes that determine how individuals treat each other. This scenario leads to the dehumanisation of individuals who society stereotypes. In *Patchwork*, JS treats the women in his life as objects of entertainment and fulfilment of his desires. JS did not accord human characteristics to the women in his life. For example, JS constantly psychologically abuses Mama T when he repeatedly has numerous marital affairs disregarding her feelings. When JS dies in a car accident he is with a woman Salome, who Pumpkin had previously accused of being in a relationship with her husband, Tembo, it becomes clearer to Mama T that her husband did not recognise her as worthy of him.[85] JS inhuman treatment of MamaT creates a powerless woman who is vulnerable and accepts that inhuman treatment. Wenqi Yang and others, explore the impact of power on humanity, the self-dehumanisation in powerlessness, and observe that powerlessness disrupts the sense of the humanity of an individual.[86] In other words, Mama T's sense of being a human, JS destroys psychologically through repeat abuse. In addition, Mama did not believe in herself as a human, therefore deserves better. A human rights jurisprudence that does not value empathy may struggle to emphasise the use of humanness in relating to one another in society.

Moreover, it is important to recognise that African women are human first and always. No system should take that away from them. No system should determine what part of African women is human consequently, deserving rights. Wilson and Halsam indicate that at the core of determining whether one deserves humanness are personality traits, emotions and mental

[84] SG Wilson & N Haslam 'Humanness beliefs about behaviour: An index and comparative human-nonhuman behaviour judgments' (2012) 45 2 *Behavioural Research Methods* 372 at 372.
[85] E Banda-Aaku *Patchwork* (2011) 208-9.
[86] W Yang and others 'The Impact of Power on Humanity: Self Dehumanization in Powerlessness' (2015) 10 5 *PLoS ONE* 1 at 1.

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capacities.[87] All these are susceptible to influence from environmental factors such as colonialism, cultural traditions, gender and patriarchy to mention a few. Earlier in this chapter and previous chapters, I establish that colonialism and patriarchy create spaces that, deny African women what men get by being human. Colonialism and patriarchy establish stereotypes about African women that society employs to decide whether to accord them human attributes or not. Feminists recognise systems of colonialism and patriarchy as steeped in power and gender.[88] The same power that they hold decides if African women are human. Human rights, although, advocating for sameness and the universal nature of humanity, fails to recognise the nuances that embed the identity of humanness that is proving non-universal and varies from one society to another.

For that reason, Kuntjoro suggests the concept of ubuntu as a system that may encourage victims of human rights violations to speak. [89] This proposition, in my view, acknowledges the ubuntu system as being more open to the voice and experiences of victims. Ubuntu has its roots in humanist African philosophy, where the idea of community is one of the building blocks of society. Ubuntu is that indefinable idea of communal humanity, unity: people, you and me both. The idea of humanness innately exists within the ubuntu concept. Most importantly, the idea of ubuntu has community ownership. Injustices and violence against African women occur within a community, the same community is pivotal to addressing challenges that certain groupings face. Within ubuntu is social capital that enables people to view and treat each other as worthy and valuable human. Social capital is the systems of relationships among people who dwell and work together allowing that society to work together. According to Nevin T Aike, social capital is networks, norms, values, and special relations that bond communities together and facilitate coordination and cooperation for mutual benefit within and between communities.[90] Sadly, foreign concepts that are derivative of Enlightenment such as colonialism, modernity and globalisation continue to erode values and norms that underline ubuntu. Ubuntu as a concept competes with other grand narratives such as human rights as a route of providing justice to African women. Enlightenment principles and processes undermine African knowledge systems considering them as

[87] SG Wilson & N Haslam 'Humanness beliefs about behaviour: An index and comparative human-nonhuman behaviour judgments' (2012) 45 2 *Behavioural Research Methods* 372 at 372.
[88] A McClintock *Imperial leather: Race, gender, and sexuality in the colonial contest* (1995) 355.
[89] AP Kuntjoro 'Towards more stories about humanness of the victims' (2020) 5 *Journal of Human Rights and Social Work* 48 at 56.
[90] NT Aiken 'Post conflict peace building and the politics of identity: Insights for restoration and reconciliation in transitional justice' (2008) 40 2 *Peace Research* 9 at 12.

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primitive. The idea underlying the control of African knowledge systems is to ensure complete submersion of African knowledge into enlightenment ideals. Enlightenment influences education, religion, laws, gender and many other institutions that act as agents of change that define the idea of what humanness represents. In addition, challenging African knowledge systems through enlightenment ideals disempowers and decentres the narrative from the African thought process to that of the coloniser. For that reason, cosnidering ubuntu as a source of humanness, as a process of addressing the challenges that confront African women is another dormant alternative that can open paths to justice for them. Furthermore, the need for a human rights jurisprudence that is rooted in humanness resonates with problems of restricted jurisprudence that ultimately struggle to respond to challenges confronting African women. Douzinas and Geary examining the move of law from general to restricted jurisprudence explain that what law forgets is that it exists within a society.[91] Due to the nature of the human rights jurisprudence that restricts, the notion of a society that values humanness falls outside the realm of reason. What remains is a society that fails to recognise the value of humanness becoming hard to the pain of others that it considers unworthy of its attention. A human rights jurisprudence that is void of the value of humanness becomes cynical to the full comprehension of justice for those in the margins. Seagul notes 'recreating humanness shifts the balance from 'us versus them' to 'we are similar and in this together'.[92] Society experiences humanness within a community, law or human rights does not foster it as they disregard emotions, feelings and irrationality. Humanness binds the society and creates an environment that makes people have empathy for each other and consider the life of other humans just as valuable, worthy of preserving. In short, human owes their life to another human, without another human they cease to exist.

Not all scholars believe that the concept of ubuntu is worth considering in modern times.[93] Like any other cultural phenomenon, ubuntu has gone through several phases of change making it difficult to define its specifications. To comprehend the erosion of ubuntu, it is best to assess powers that influence traditional African culture. Powers of colonialism, apartheid, globalisation and the intrusion of Enlightenment ideals such as materialism, individualism,

[91] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 33.
[92] EA Seagul *Social empathy: The art of understanding others* (2018) 71.
[93] There is another short discussion in chapter 3 on ubuntu and the feminist concerns.

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and consumerism have all contributed to constructing a modern African culture.[94] John LB Eliastam explores the social value of ubuntu in post-apartheid South Africa and declares that the society erodes, distorts and abuses the meaning of ubuntu.[95] Although Eliastam implies in the context of the South Africa post-independence, and specifically to the accusation of xenophobia, other scholars on the philosophy of ubuntu echo his sentiments. Penny Enslin and Kai Horsthemke examine if ubuntu can provide a model for citizenship education in African democracies but criticise ubuntu as far from being unique.[96] What this denotes is that elements that assume to make ubuntu such as humanness are present in other western concepts of humanism. However, Enslin and Horsthemke do not indicate which ones are similar to ubuntu. In addition, Enslin and Horsthemke argue that ubuntu is speciesist.[97] For Enslin and Horsthemke, ubuntu is only concerned with humans, not the environment as some claims suggest. Third and final, Enslin and Horsthemke explain that the claim that ubuntu can unite Africans worldwide is false.[98] This assertion, Enslin and Horsthemke claim horrendous violence and crime against humanity that continues to plague Africa readily proves. This is because Africans in the past and present use violence to maintain power over another. Examples such as the Rwanda genocide, the Idi Amin reign of terror in Uganda and the Gukukurahundi genocide in Zimbabwe. In addition, how does ubuntu unite a group as diverse as Africans to have the same belief in humanness? I argue the same about the system of human rights whose claims of universality is in dispute when that system fails to respond equally to all challenges the world faces. Drucilla Cornell and Karin van Marle, in their exploration of ubuntu in post-apartheid South Africa, note that some critics view ubuntu as a concept that promotes and protects patriarchal values.[99] They note that some commentators question the relevance and applicability of ubuntu to the younger generation of South

[94] JLB Eliastam 'Exploring ubuntu discourse in South Africa: Loss, liminality and hope' (2015) 36 2 *Verbum et Ecclesia* 1 at 5.
[95] JLB Eliastam 'Exploring ubuntu discourse in South Africa: Loss, liminality and hope' (2015) 36 2 *Verbum et Ecclesia* 1 at 1.
[96] P Enslin & K Horsthemke 'Can ubuntu provide a model for citizenship education in African democracies?' (2004) 40 4 *Comparative Education* 545 at 548.
[97] P Enslin & K Horsthemke 'Can ubuntu provide a model for citizenship education in African democracies?' (2004) 40 4 *Comparative Education* 545 at 548.
[98] P Enslin & K Horsthemke 'Can ubuntu provide a model for citizenship education in African democracies?' (2004) 40 4 *Comparative Education* 545 at 548.
[99] D Cornell & K Van Marle (2005) 5 2 'Exploring ubuntu: Tentative reflections' *African Human Rights Law Journal* 195 at 196. See also F Mangena 'The search for an African feminist ethic: A Zimbabwean perspective' (2009)11 2 *Journal of International Women's Studies* 17.

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Africans.[100] Hinga notes the value of Ubuntu but insists that structures that dehumanise, subjugate women be destroyed, and others be and recreated to enhance Ubuntu and true humanity.[101] Some structure like colonialism, patriarchy, religious ideologies contribute to the identity of African women. In essence, when we ask questions about human traits, in the context of Africa, we are asking about the identity of a human. Within the question of who is human, there is already embedded the idea of race, gender, education, religion and many other to 'help' define what is human.

Ubuntu is imperfect. It is a double-edged sword. Ubuntu empowers African women by advocating for equality and human dignity.[102] It also oppresses women by perpetuating masculine authority and patriarchal values. [103] The link of ubuntu to patriarchy is of concern to this study, as patriarchy remains at the core of challenges that confront African women those human rights jurisprudence fails to address.

While the connection of ubuntu to patriarchy is a concern I cannot ignore, it is rather the idea of humanness that parts of ubuntu exudes that attracts advocates of humanness to it. Like any other social system, ubuntu is vulnerable to abuse and misuse. In addition, ubuntu is not universal or even applicable in the whole of Africa, as they are variations depending on the African ethnicity group and ethics.[104] Furthermore, the concept is over-idealised and romanticised especially when applied outside the context of a specific African people or ethnicity.[105] It remains is that humanness is necessary to any system of justice that promises to address challenges that face African women. That system must recognise African women as human first, and then address their challenges from a human perspective. Under such

[100] D Cornell & K Van Marle (2005) 5 2 'Exploring ubuntu: Tentative reflections' *African Human Rights Law Journal* 195 at 196.
[101]TM Hinga 'African feminist theologies, the global village, and the imperative of solidarity across borders: The case of the Circle of Concerned African Women Theologians' (2002) 18 1 *Journal of Feminist Studies in Religion* 79 at 84.
[102] SS Chisale 'Ubuntu as care: Deconstructing the gendered Ubuntu' (2018) 39 1 a1790 *Verbum et Ecclesia* 1 at1.
[103] F Mangena 'The search for an African feminist ethic: A Zimbabwean perspective' (2009) 11 2 *Journal of International Women's Studies* 18 at 23.
[104] N Sharpely & CJ Kaunda 'The black charismatic church ministries and the new social practice of family in the eastern Cape' in M Makiwane and others (eds) *Reflections from the margins: Complexities, transitions and challenges : The case of Eastern Cape province South Africa* (2021) 225 at 235.
[105] N Sharpely & CJ Kaunda 'The black charismatic church ministries and the new social practice of family in the eastern Cape' in M Makiwane and others (eds) *Reflections from the margins: Complexities, transitions and challenges: The case of eastern Cape province South Africa* (2021) 225 at 235.

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circumstances, the prospect to appreciate the intersectional challenges of African women may occur.

Intersectionality of African women's challenges

A jurisprudence that appreciates the intersectionality of African women's challenges separates it from others. This is because the challenges that confront African women originate from philosophies in race, class, gender and sexuality among many. African women who live under the constant legacy of colonialism require a jurisprudence that appreciates the colonial, racial and gender implications in their pursuit of justice. Both colonialism and human rights have links to Enlightenment as I demonstrate in the previous chapters. This link creates tension between the realisation of the rights of African women and their access to justice. In other words, despite the various human rights instruments, the challenges that confront African women persist; therefore, that distances them further from justice. Although intersectionality may originate from a North American context of inequality and discrimination of black women, I appreciate its potential in the context of African women jurisprudence. In addition, I appreciate that I may not fully cover the depth and breadth of the concept but I want to suggest its potential contribution to the jurisprudence of African women.

According to feminist and critical race scholar Kimberlé Crenshaw and others, intersectionality is 'a method and a disposition, a heuristic and analytical tool.'[106] In another article, Crenshaw refers to intersectionality to emphasise the interconnectedness of race and gender in social experiences, therefore shifting identity analysis.[107] Crenshaw, the originator of the term intersectionality raises several ideas that link with the idea of an empathetic jurisprudence of African women. Crenshaw refers to intersectionality as a method. This implies a technique that aims to understand the world of black women. Therefore, this suggests that society understands Black women from techniques that are foreign to them. In short, society misunderstands black women. Disposition suggests a mentality that one adopts when applying intersectionality to black women. In other words, one needs to adopt a certain mentality to appreciate the interconnectedness of black women experiences. Heuristic and

[106] DW Carbado and others (2013) 'Intersectionality: Mapping the Movements of a Theory' (2013a) 10 3 *Du Bois Review* 303 at 303.
[107] K Crenshaw 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour' (1991) 36 6 *Stanford Law Review* 1241 at 1242.

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analytical tools infer an instrument that explores the experience of black women beyond just race and gender. In the second description of intersectionality, Crenshaw refers to shifting identity analysis of black women because once the recognition of Black women experiences goes beyond race and gender, the world should never refer to them as just black women but recognise that there are challenges that confront them. Shreya Atrey in the examination of intersectionality shift from equality to human rights notes that in law, intersectionality begins as a critique of equality and discrimination law.[108] In other terms, intersectionality exposes other forms of discrimination that go beyond race, colour and gender. People are not just their colour or race but some disadvantages and discriminations come with race, colour or gender. That as it may, what is the link of intersectionality to human rights? How can intersectionality as shown in *Purple Hibiscus* and *Patchwork* enrich the jurisprudence of African women?

Intersectionality and human rights

Chapter 3 of this study reveals through *Purple Hibiscus* and *Patchwork* the challenges that confront African women leave them in the margins and at a disadvantage. Their race, gender, class, sexual orientation, religion imply African women often find themselves at the margins of human rights. Although the hope is that human rights make their lives better, in reality, it may worsen. The idea of an empathetic jurisprudence that appreciates the interconnectedness of the challenges that confront African women is even more significant as human rights seem to fail to address them.

Intersectionality may facilitate those in the margins to realise their rights. Human rights as a universal concept appear to fail to capture the various complex mutual challenges that affect African women. Therefore, to incorporate intersectionality into human rights remains an appealing idea that may accelerate justice for African women. Although I suggest a jurisprudence that incorporates intersectionality, it does not remedy all the challenges that confront African women. Intersectionality can engage society to observe African women through a lens that understands them. Intersectionality as a method and position implies that jurisprudence should not only interrogate systems that subordinate African women but also approach them from the personal experiences of African women.

[108] S Atrey 'Introduction: Intersectionality from equality to human rights' in S Atrey & P Dunne (eds) *Intersectionality and human rights* (2020) 1 at 2.

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Atreya confirms that the relationship of intersectionality with human rights besides the right to equality and non-discrimination remains largely new.[109] This signifies a gap that exists within human rights studies that may address the reasons why human rights appear to fail to address challenges that confront African women. However, what concerns Atreya is the thematic outlook of intersectional problems, for example, race issues or gender issues instead of human rights law issues.[110] In addition, Atreya notes that intersectionality shows that those confronting several and severe disadvantages experience human rights differently.[111] As a result, it is imperative to exhaust and avail possibilities that link the conversations in intersectionality and human rights law to address disadvantages or violations of human rights.[112] Put differently, intersectionality reveals the gaps that exist in the human rights system. If this system is to remain confident, it must open up to address the several layers of challenges that confront African women. Intersectionality as Crenshaw conceives it is structural, political and representational. Therefore, human rights should be compatible with addressing issues of structural, political and representational nature that underlie the challenges of African women.

While at some point, intersectionality was a buzzword in gender and feminist studies, its main strength remains the ability to challenge ideas of personhood, power and social change that society ordinarily takes lightly.[113] Intersectionality can unsettle and upset ideas about personhood, power and social change.[114] This aspect is critical to address challenges that confront African women because ideas of personhood, power social change remain predominantly patriarchal and colonial. Literature that is African female written novels exposes these standard irregularities. The idea is above exposing solely these irregularities but also proposes alternatives to view the world of African women. Maile Arvin, Eve Tuck and Angie Morrill, apply decoloniality feminism to challenge the link between settler colonialism and settler patriarchy, emphasising re-examining traditional systems of dominance, decolonisation and social change from the ones built on colonial and patriarchal

[109] S Atrey 'Introduction: Intersectionality from equality to human rights' in S Atrey & P Dunne (eds) *Intersectionality and human rights* (2020) 1 at 2.
[110] S Atrey 'Introduction: Intersectionality from equality to human rights' in S Atrey & P Dunne (eds) *Intersectionality and human rights* (2020) 1 at 3.
[111] S Atrey 'Introduction: Intersectionality from equality to human rights' in S Atrey & P Dunne (eds) *Intersectionality and human rights* (2020) 1 at 3.
[112] S Atrey 'Introduction: Intersectionality from equality to human rights' in S Atrey & P Dunne (eds) *Intersectionality and human rights* (2020) 1 at 3.
[113] VM May *Pursuing intersectionality, unsettling the dominant* (2015) 1.
[114] VM May *Pursuing intersectionality, unsettling the dominant* (2015) 2.

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frameworks.[115] In other words, this is a call to reassess the systems that regulate the world. Systems that dehumanise, exclude, and undermine the intersectionality of the challenges of African women. Therefore, the contribution of African women written literature is significant in the search for jurisprudence that addresses the challenges that confront them. In addition, it establishes African women knowledge within what is predominately a western jurisprudence of human rights.

Discontents of intersectionality

One of the major concerns of intersectionality is the risk of alteration from the original concept as many theories emerge that attempt to apply it. Crenshaw in an interview with *Vox*, expresses the same apprehensions at the many sources that cite and misrepresent her view of intersectionality.[116] Crenshaw acknowledges that happens when an idea journeys further than its context and content.[117] Crenshaw developed the intersectionality concept of Black feminism theory and critical race theory.[118] Intersectionality appears as a one-size-fits-all solution to problems of inequality and discrimination. Although Adichie describes the intersectional problems of her characters, in an interview with *The Guardian* she is wary of the term intersectionality but equally clear on what it does not mean.[119] For Adichie intersectionality does not only refer to black women only but also to other women, too who face discrimination by being a woman even though they are not black. In the same interview she acknowledges although everyone is human, there are still differences that affect experiences and opportunities.[120] It suffices to conclude that despite Adichie's wariness to the term intersectionality, she articulates the concept beautifully in *Purple Hibiscus*.

[115] M Arwin and others 'Decolonising feminism: Challenging connections between settler colonialism and heteropatriarchy' (2013) 25 1 *Feminist Formation* 8 at 24.
[116] J Coaston 'The intersectionality wars' https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination (Accessed 12 August 2021).
[117] J Coaston 'The intersectionality wars' https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination (Accessed 12 August 2021).
[118] H Potter *Intersectionality and criminology: Disrupting and revolutionising studies of crime* (2015) 1.
[119] L Allardice 'Chimamanda Ngozi Adichie: 'This could be the beginning of a revolution' https://www.theguardian.com/books/2018/apr/28/chimamanda-ngozi-adichie-feminism-racism-sexism-gender-metoo (Accessed 11 August 2021).
[120] L Allardice 'Chimamanda Ngozi Adichie: 'This could be the beginning of a revolution' https://www.theguardian.com/books/2018/apr/28/chimamanda-ngozi-adichie-feminism-racism-sexism-gender-metoo (Accessed 11 August 2021).

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Besides the risk of dilution of the intersectionality concept, the fact that its roots are in American Black women and Black feminism creates tension too. Sumo Cho and others, in their examination of the journey of intersectionality, write that there are reservations on its expediency as an analytic tool in attending to other ostracised people and other demonstrations of social power.[121] Simply put, there is anxiety over the use of the theory outside the American Black women and Black feminism. Despite the background in American Black women and Black feminism, this theory remains relevant to challenging and addressing the larger ideological structures, which human rights and legal institutions apply to subjects, problems and solutions in rights and legal institutions.[122] Simply put the methodology of intersectionality remains relevant beyond its American Black women and Black feminism background as it still challenges the oppressive and subordinating structure of power.

Although intersectionality is inseparable from the evaluation of power, critics question its highlighting classes of identity instead of inequalities.[123] Chou and others counter that intersectional survey underlines political and structural inequalities.[124] In addition, Jennifer Jihye Chun and others who observed intersectionality in Asian immigrants insist that intersectionality largely focuses on operations instead of people.[125] This suggests that intersectionality transcends just the idea of Black women identities but investigates how power creates those identities. In addition, identities are a social construction, so is the labels that society attaches to them.

Significance of intersectionality to African women jurisprudence

Although intersectionality as a school of thought has its discontents, it resonates strongly with this study for three reasons. To begin, intersectionality as a methodology appreciates the multiplicity and the interconnectedness of the challenges of African women. As much as human rights are 'available' to African women, they seem to fail to address the multiplicity

[121] S Cho and others 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38 4 *Signs* 785 at 788.
[122] S Cho and others 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38 4 *Signs* 785 at 791.
[123] S Cho and others 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38 4 *Signs* 785 at 797.
[124] S Cho and others 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38 4 *Signs* 785 at 797.
[125] JH Chun and others 'Intersectionality as a Social Movement Strategy: Asian Immigrant Women Advocates' (2013) 38 4 *Signs* 917 at 923.

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and interconnectedness of challenges that confront them. As much as African women have a right to life, they still struggle with access to sexual and reproductive, the right to access information and many others. This implies that for African women, the concept of justice differs very much from the universal understanding of justice that human rights champion.

Secondly, it recognises African women experiences as valid and significant to how they interpret justice. In this instance, it is the experiences of African women with the law that remains in favour of men, which perpetuates and preserves patriarchy. The classification of African women through the lens of colonialism and patriarchy invalidates their experiences as these systems inherently marginalise African women. In addition, colonialism and human rights share the same enlightenment philosophy of exclusion. Enlightenment reason sets conditions of self-realisation and success, the definition of a modern being as the tradition *Bildungsroman* demonstrates. This significantly determines why African women remain most at risk of exclusion, their discriminatory treatment at the hands of justice, what defences they have, and what remedies systems of justice offer them. Robin West, in the introduction to intersectional feminism and feminist jurisprudence, explains that the conceptions of law and life mirror the negligence and marginalisation of women of colour.[126] In other terms, law and society consider African women insignificant because society similarly overlooks and marginalises them. It is vain to overlook the intersecting challenges that embody African women experiences because African men and women became subjects of the law in very different social, cultural, economic and political contexts. Consequently, law responds differently to their challenges therefore, their experiences are critical to their interpretation of the concept of justice. Sylvia Tamale and Jane Bennet, in an editorial on challenges and prospects in the documentation of African legal feminism, raise the question of how do women participate in justice or law.[127] What legal discourse do they construct for themselves while they engage with the various justice systems?[128] These profound questions resonate strongly with the pursuit of African women jurisprudence until Tamale and Bennet censure

[126] R West 'Introduction to the research handbook on feminist jurisprudence' in R West & CG Bowman (eds) *Research handbook on feminism* (2019) 1 at 18.
[127] S Tamale and J Bennet 'Editorial: Legal voice: Challenges and prospects in the documentation of African legal feminism 3' http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/15/1_editorial_sylvia_tamale_and_jane_bennett.pdf (Accessed 10 August 2021).
[128] S Tamale and J Bennet 'Editorial: Legal voice: Challenges and prospects in the documentation of African legal feminism 3' http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/15/1_editorial_sylvia_tamale_and_jane_bennett.pdf (Accessed 10 August 2021).

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the irony of Africa holding onto archaic colonial laws while the creators of the same laws have since abolished them.[129] This suggests that Tamale and Bennet drew attention to the areas of the law in Africa that is largely overlooked. The censure from Tamale and Bennet underscores the need to revisit the laws that govern Africa and their effect on how African women interpret justice.

It is imperative to consider literature that may demonstrate the path of self-realisation and success of African women. In the previous chapter, I demonstrate that the traditional *Bildungsroman* as a male genre exhibits a linear progression of the plot while the African female *Bildungsroman* is cyclical. Males have a linear progression because their environment is conducive to their growth. In contrast, African women due to various intersecting challenges have a cyclical progression. *Purple Hibiscus* and *Patchwork* provide insights into the experiences of African women. In other words, the law and literature approach provides another alternative for the examination and critique of the foundations of the challenges of African women. Issues of colonialism, patriarchy and modernity remain close to human rights and ultimately the challenges that confront African women. The concept of race, class and gender embodies the roots of Enlightenment. Human rights seemingly reaffirm the same interpretation of race, class and gender. It remains that an overlap of issues contributes to many discriminations that confront African women.

Purple Hibiscus explores the intersectionality of race, class, gender, religion, power and the postcolonial condition. In addition, it reflects them as social constructions that serve a deliberate oppressive purpose. The fact is the closely-knit issues all burden African women at once. This explains the urgency for an empathetic jurisprudence that recognises and addresses these issues. Adichie presents a Beatrice who battles race, class, and gender challenges. Eugene regards Beatrice violently because she is a woman. Eugene's point of reference is his religious fanaticism, his violent colonial missionary education and his patriarchal privilege. The environment that surrounds Beatrice has a violent past from tribal wars, the Igbo who wanted cessation, the violent and corrupt military government that terrorises its people and a violent church that reaffirms the treatment of Beatrice at the hands

[129] S Tamale and J Bennet 'Editorial: Legal voice: Challenges and prospects in the documentation of African legal feminism 5' http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/15/1_editorial_sylvia_tamale_and_jane_bennett.pdf (Accessed 10 August 2021).

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of her husband. All these forms of violence emerge from race, class and gender. These social constructs have the influence of colonialism, patriarchy, culture and religion to mention a few. Beatrice remains an African black woman whose position was lost at colonialism, yet to recover. She remains a second-class citizen post-independent Nigeria, yet to recover equality. Beatrice is a woman whose religion that Eugene practises considers her under the head of the house, the man. Beatrice battles cultural violence too as the *umunna* continuously blames her for numerous miscarriages. As a good Catholic wife, she submits to the violent Eugene.

The question is why Adichie portrays a postcolonial African woman in bondage. Why is the African woman not flourishing post-independence? Why does Beatrice struggle to get justice from the legal, religious and cultural systems? The independence of Nigeria did not equate to the liberation of her women. Systems of justice continue to ignore the interconnected challenges that confront African women. Modernity propels faster masculine western knowledge such that narratives about African women remain under it. This means the patriarchal society identifies, examines, and interprets the realities and experiences of African women. Beatrice cannot get recourse from the legal, religious and cultural systems because they continue to be the guardians of conditions that subordinate women.

Third and final, intersectionality recognises the historical contexts that surround the challenges that face African women. It works as an instrument that depicts and engages contextual dynamics of power.[130] In other words, intersectionality avails the opportunity to trace and examine the sources and strongholds of African women subordination. African women contend with the consequences of historical injustices from childhood to old age. The African female *Bildungsroman* novels of *Purple Hibiscus* and *Patchwork* explore the consequences of colonialism and patriarchy on the lives of African women. In *Patchwork*, three generations of women contend with the legacy of colonialism that renders African women invisible. For example, one victim of historical context challenge in *Patchwork* is BaDodo. She fails to qualify for High School because the new Zambian government has not yet built enough high schools to accommodate African children.[131] The colonial government did not build schools for African children, as it was not part of their policy. The few that were there were missionary operated and highly competitive to access. Therefore, BaDodo stays at

[130] S Cho and others 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38 4 *Signs* 785 at 788.
[131] E Banda-Aaku *Patchwork* (2011) 21.

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home, where she becomes a victim of the paedophile Mwanza.[132] After BaDodo becomes pregnant, she attempts an illegal abortion, which leads to her death.[133] The justice and health system fail BaDodo. Mwanza escapes his crime because his employer, Uncle Mwanza simply fires him.[134] No one investigates BaDodo; she is invisible to the justice system. The handling of BaDodo's case echoes the colonial view of African women sexuality and reproductive health. African women resort to traditional means to abort. In *Patchwork*, Pumpkin, Daisy and Bee chat about a shrub whose root if ingested leads to abortion.[135] Independent Zambia after declaring herself Christian did not support abortion in the early years. For BaDodo it became simpler to do abortion away from certified medical personnel. Given this scenario, that *Patchwork* demonstrates it is fundamental that African women jurisprudence appreciate the intricate web and interconnectedness of challenges confronting African women. For BaDodo, it is not solely; missing school, sexual predators, botched abortion, and injustice but it is also colonial, legal, religious legacies that fail her. The case of BaDodo demonstrates that the right to education fails to suffice without addressing the right to access sexual and reproductive health, the right to life, the right to security and many others.

Systematic inclusion of African women

Besides revealing the challenges that confront African women, the literature emphasises the systematic inclusion of African women as pivotal to jurisprudence that provides justice to them. Adichie and Banda-Aaku demonstrate numerous instances of exclusion of African women from power, from workplaces, politics, and decision-making to mention a few. In addition, the authors explain the anomaly and root of these exclusions in modern society. Ian Ward, in his analysis of the possibilities and perspectives of law and literature, notes that 'the politics of literature is very much the politics of exclusion'.[136] In addition, Ward notes women as a group that experiences continual exclusion from power.[137] Furthermore, Ward writes that storytelling articulates the exclusion of women.[138] In essence, Ward reaffirms the contribution of literature to jurisprudence, which exposes the inequalities and power imbalances against groups in the margins.

[132] E Banda-Aaku *Patchwork* (2011) 19, 22.
[133] E Banda-Aaku *Patchwork* (2011) 124, 128.
[134] E Banda-Aaku *Patchwork* (2011) 91.
[135] E Banda-Aaku *Patchwork* (2011) 90.
[136] I Ward *Law and literature: Possibilities and perspectives* (2004) 36.
[137] I Ward *Law and literature: Possibilities and perspectives* (2004) 36.
[138] I Ward *Law and literature: Possibilities and perspectives* (2004) 36.

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Novels, inclusion and exclusion

First, Adichie and Banda-Aaku reveal a systematic exclusion of African women solely on their status as females, their experiences and their bodies. Therefore, a human rights jurisprudence that is not only empathetic but also is systematically inclusive of African women is essential. According to Hanne Peterson, who describes the exclusion of the lives and experiences of women from western law, explains that systematic exclusion of women is in three ways: first to women as female persons, secondly, the exclusion of the realities and experiences of women and third and final, the exclusion of bodies of women.[139] Adichie and Banda-Aaku advance lived experiences of African women. In addition, the authors give significant images of an African female in a modern environment. For example, in *Patchwork*, JS treats the women in his life as objects that he uses any way he wills. All the women JS interacts with reveal the effect of exclusion in their lives. What is tragic is how JS fails to recognise his role in the exclusion of these women. JS is so much part of the system of oppression of the women in his life that he does not recognise their experiences and realities. JS wonders why Totela, his ex-girlfriend and mother to his daughter Pumpkin is a drunkard.[140] JS does not recognise how his absence from the childhood of Pumpkin leaves her with insecurities and trust issues that plague her into adulthood, which explains why she is certain her father would not choose her.[141] JS does not recognise Mama T, his wife, her struggles to accept Pumpkin, a proof of his infidelity, which was why she left him but came back after four weeks.[142] JS ignores the realities and experiences of these women but he forces them to recognise his presence in their lives. In a way, patriarchal JS owns their realities, experiences and bodies. What the interaction between JS and the women in his life indicates is that their rights are insignificant to him. JS as a symbol of patriarchy exposes the impossible relationship between human rights and patriarchy. In other words, patriarchy and human rights cannot co-exist and still address the challenges that confront African women. Despite JS' ill-treatment of the women in his life, the women continue to pander to his needs. Audrey Lorde in *The Master's Tools Will Never Dismantle the Master's House* identifies this as a mechanism common to oppressors that are to keep the oppressed with the business of the

[139] H Peterson 'On Women and legal form: EUI Working Paper LAW No. 94/8' (1994) 8.
[140] E Banda-Aaku *Patchwork* (2011) 41.
[141] E Banda-Aaku *Patchwork* (2011) 8.
[142] E Banda-Aaku *Patchwork* (2011) 48.

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master.[143] In other terms, these women have little awareness that their relationship to JS who is the face of patriarchy excludes them from who they are and who they can be. JS is the visage of patriarchy that neglects the experiences and realities of Pumpkin, Totela and MamaT.

In addition, Maureen Amaka Azuike, in a study that investigates the extent of the struggles of African women to overcome marginalisation in a sexist and patriarchal society, explains that the work of authors like Adichie prosecutes the patriarchal oppression of women but also encourage women to assert themselves.[144] Furthermore, Chielozona Eze, analysis of ethics and human rights in Anglophone African women's literature, notes that women writers explore the human condition in their local sphere.[145] Eze points to one of the major contentions that feminists protest about the rights of women, which is that the human rights philosophy is far from the reality and experiences of African women. Exploring the human condition of African women recognises who they are as compared to the generalised idea that master narratives indicate about them. Therefore, for both Azuike and Eze sharing the realities and experiences of African women goes beyond demystifying and breaking stereotypes that patriarchal institutions continue to perpetuate. Patriarchy and colonialism undermine these as colonial policies and laws reflect. If any human rights jurisprudence is to address challenges that confront African women, it cannot undermine the experiences and realities of those women. However, the restricted law and human rights jurisprudence seems to exclude these African women experiences and realities. The reason is that restricted jurisprudence chooses not to associate with literature, other humanities and philosophy fields that are likely to reveal more about the lives of African women and their beliefs.

What stands out too is these novels exhibit the hidden power, truth and knowledge interplay that occurs in the private space. Douzinas and Geary while addressing the claims of law and literature, explain that literature provides critical understanding into how the law operates.[146] While I do agree with that notion, it is my view that literature may indicate the limits of the law. It suggests other prospects for law, other perceptions of justice that are outside the

[143] A Lorde 1984 'The Master's Tools Will Never Dismantle the Master's House' in E Berkeley *Sister outsider: Essays and speeches* (2007) 113.
[144] Azuike, MA 'Women's Struggles and Independence in Adichie's *Purple Hibiscus and Half of a Yellow* Sun' (2009)3 4 *African Research Review* 79 at 80-81.
[145] C Eze *Ethics and literature in Anglophone African women's literature: Comparative feminist studies* (2016) 1-2.
[146] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 339.

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limited field of law to address many life challenges of African women.[147] Having African female writers writing the story of African women not only centres the story of progress on African women but also considers African women as producers of power, truth and knowledge.

Karin van Marle, in her exploration of other possible paths of jurisprudence in post-apartheid South Africa, enlightens that stories reveal who someone is as opposed to the law that focuses on what is someone.[148] This implies that stories give better insight into who a person is as compared to the law that focuses only on what they are. For example, in the law, a thief is a lawbreaker, in stories, the lawbreaker has a name, has race, gender and many other characteristics that describe them. In addition, van Marle clarifies that jurisprudence focuses on who is most likely to be 'open to the possibility of interconnectedness and relations.'[149] In support of van Marle, Eze confirms that asking the question 'who are you is to indicate interest in relations to the other, in relating to other, it is to invite the other to narrate.[150] The narration suggests the presence of an audience, a listener, the narrator or the audience sets up the paradigm for relations or recognition.[151] Stories provide an opportunity for the various voices of African women that colonialism and patriarchy silence to sound. Readers can use their imagination to feel empathy for the turmoil and trauma that the women characters stories project. In short, both Van Marle and Eze underscore that an inclusive jurisprudence provides an environment that recognises who African women are, their experiences and realities. This makes it possible for African women to enjoy justice if it recognises them as worth it.

However, Ann Carastathis, in exploring the relationship between intersectionality and decolonial feminism, adopts sentiments from intersectionality theory developer Kimberle Crenshaw who cautions against inclusivity as a solution to exclusivity.[152] Carastathis suggests a reconsideration of the full structure through which society perceives recounts and resolves the experiences of black women discrimination.[153] What this suggests is inclusive programs may prove meaningless to effecting justice for African women as long as structures that

[147] P Goodrich *Law in the courts of love: Literature and other minor jurisprudences* (1996) 6.
[148] K van Marle 'Post-1994 Jurisprudence and South African Coming of Age Stories' (2015) 12 *NoFo* 45 at 61.
[149] K van Marle 'Post-1994 Jurisprudence and South African Coming of Age Stories' (2015) 12 *NoFo* 45 at 61-62.
[150] C Eze *Ethics and literature in Anglophone African women's literature: Comparative feminist studies* (2016) 4.
[151] C Eze *Ethics and literature in Anglophone African women's literature: Comparative feminist studies* (2016) 4.
[152] A Carastathis *Intersectionality: Origins, contestations, horizons* (2016) 204.
[153] A Carastathis *Intersectionality: Origins, contestations, horizons* (2016) 204.

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subordinate them exist and operate. This situation underscores the necessity for a human rights jurisprudence that recognises and addresses oppressive structures towards African women.

An inclusive law and human rights

Law and human rights have an inherent propensity for exclusion. Law in the past has kept African women away from the public space. Rights to participate in the law-making process such as voting, property ownership, right of movement and certain occupations such as mining and policing were limited to males.[154] Sadly, these limits to the rights of women are still as prevalent despite the existence of modern constitutions, law and human rights. Social legal history shows that these limits of rights for African women are a colonial remnant that lurks in the majority of modern African constitutions but also human rights. Peterson points out that feminist critique has not questioned modern law as a type of social order.[155] In addition, she argues that even though modern law and human rights become formally gender neutralised, it still disregards that the experience of men and women to law differs too.[156] In other words, gender regulation relates to gendered living experiences and thus has different implications for men and women. Furthermore, Peterson expounds that even though modern law becomes formally gender neutralised that does not take away the criteria that keep the normative phenomena in the category of law.[157] What this implies is that the grounds of law and human rights are inherently exclusive of African women therefore, an attempt by modern law to gender neutralise seem lost to the point of emancipation of African women. This necessitates a need for a human rights jurisprudence that responds to the position of African women. I reiterate the views of Costas Douzinas and Adam Geary in their exploration of the shift of law from restricted to general jurisprudence that jurisprudence is the 'consciousness of law, the exploration of law's justice and an ideal law…' [158] This indicates that the idea of human rights jurisprudence is inalienable from the longing for social justice and political emancipation. Any ideal human rights jurisprudence must champion justice for all. If I measure modern law and human rights and its attention to African women against the standard that Douzinas and Geary define what jurisprudence is, it becomes vivid that modern

[154] N Assie-Lumumba 'Women in West Africa' in NP Stromquist (ed) *Women in the third world: An encyclopedia of contemporary issues* (2014) 533 at 541.
[155] H Peterson 'On Women and legal form: EUI Working Paper LAW No. 94/8' (1994) 9.
[156] H Peterson 'On Women and legal form: EUI Working Paper LAW No. 94/8' (1994) 9.
[157] H Peterson 'On Women and legal form: EUI Working Paper LAW No. 94/8' (1994) 9.
[158] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 3.

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law and human rights are not the mindfulness of law. The mindfulness of law in this instance is the state of being aware and attentive to the realities of African women. Douzinas and Geary expand that modern law as general jurisprudence as it not only pursues the modernist project but also easily excludes others in its pursuit of professionalism.[159] Put differently, the move of law from general to restricted jurisprudence restricted the scope of the law and restricted its margins of outside interference. The restricted jurisprudence means marginalised vulnerable African women fail to get justice from a jurisprudence that excludes them. To that effect, Douzinas and Geary state that 'the operations of power and philosophical system exclude and silence the different and the other and have subjected the singular to the universal and the event to the laws of necessity.'[160] This paints the picture of how modern law excludes and silence African women while protecting the interests of a privileged few. This situation explains why a law and literature approach to law and human rights is significant in addressing the gaps that exist in modern human rights jurisprudence.

Most relevant to this study is how law and human rights can be agents of the exclusion of African women realities, experiences and bodies even though the popular narrative is that they are tools of inclusion. Peter Goodrich, in the *Law in the courts of love*, writes that literature proposes other prospects of law, other means of expression of law.[161] In addition, Goodrich highlights that literature reveals the ideas of value and justice drawn from a wider diversity of experiences of human behaviour outside the knowledge of the law.[162] Consequently, *Purple Hibiscus* and *Patchwork* illustrate how law and human rights shape the lives of African women something that law and human rights may inadequately project to the benefit of these women. Even more, important is that literature offers other alternatives of truth about African women. Literature reconsiders the legitimacy and power-law and human rights have over African women. Decisions made about African women that stem from law and human rights, society believes as true. Yet that truth that law enjoys fails to address the challenges that confront African women. For African women, the challenge of justice is core to determining their self-realisation and success. While laws and human rights exist seemingly, their impact on the lives of African women is questionable. Deconstructionism

[159] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 5.
[160] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 23.
[161] P Goodrich *Law in the courts of love: Literature and other minor jurisprudences* (1996) 6.
[162] P Goodrich *Law in the courts of love: Literature and other minor jurisprudences* (1996) 6.

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understands justice as an ethical issue.[163] Van Marle adopting an ethical feminism, position cautions against depending on public and legal practices for a new comprehension of sex and gender.[164] An ethical feminism approach facilitates a more suitable appreciation of the dominant discourse on sex and gender beyond the common stereotypes. In addition, van Marle reminds the reader of the limits of the law, which extinguishes any idea of honest dialogue.[165] Van Marle suggests applying ethics of different perspectives as it reveals the impact of exclusion on women.[166] In essence, Van Marle warns against relying on the law to understand matters of sex and gender. This is because patriarchal societies construct patriarchal laws. It follows that the narratives of sex and gender in a patriarchal society have a masculine discriminatory subtext inherent in them. For that reason, a patriarchal legal jurisprudence fails to provide access to justice for African women.

In *Purple Hibiscus*, Eugene as a symbol of patriarchy excludes all women in his space such that these women cease to function outside his authority. Eugene has absolute decision-making authority in his home. Beatrice and her children at first accept his ultimatums. Adichie demonstrates that Eugene exclusionary management style produces an environment that fails to foster self-realisation and success for his family. Beatrice and Kambili under the Eugene governance remain stagnant in their development. Since Eugene does not recognise them as humans, therefore, worthless for inclusion in his plans. On the other hand, Eugene flourishes because the conditions permit his inclusion in his society. Adichie demonstrates problems with that individualistic exclusive focus that Eugene pursues. First, it creates a restless world. Second, it creates a world of silence that is inconsiderate of others. Third, it produces individuals who are inward rather outward looking.

Beatrice and Kambili do not wait for Eugene to include them; instead, they choose to create their paths. This is important because the patriarchal map that Eugene applies fails to include Beatrice and Kambili therefore, creating new avenues that recognise them. Similarly, there is

[163] I Ward *Introduction to Critical Legal Theory* (2004) 167.
[163] C Douzinas & A Geary *Critical jurisprudence: The political philosophy of justice* (2005) 61.
[164] K Van Marle 'To Revolt Against Present Sex and Gender Images: Feminist Theory, Feminist Ethics and a Literary Reference' (2004) 15 1 *Stellenbosch Law Review* 247 at 266.
[165] K Van Marle 'To Revolt Against Present Sex and Gender Images: Feminist Theory, Feminist Ethics and a Literary Reference' (2004) 15 1 *Stellenbosch Law Review* 247 at 266.
[166] K Van Marle 'To Revolt Against Present Sex and Gender Images: Feminist Theory, Feminist Ethics and a Literary Reference' (2004) 15 1 *Stellenbosch Law Review* 247 at 266.

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a temptation to attempt to alter the current jurisprudence to address challenges that confront African women but this may not present a solution. This is because the current jurisprudence as restricted excludes African women. Beatrice and Kambili chart new paths in their journeys that are critical to the creation of African women jurisprudence. It implies Beatrice and Kambili remain in control of the process, even though as Adichie shows, their destination remains uncertain.

Adichie demonstrates that the journey of inclusion of African women is easier if African women stand together. Beatrice and Kambili discover the idea of liberty from Aunty Ifeoma. Aunty Ifeoma is not immune from the same forces that oppress Beatrice and Kambili. Although Eugene fails to control Aunty Ifeoma, institutionalised patriarchy in the form of her employer and the corrupt state of Nigeria present her with challenges. Despite that, she still is the link that awakes Beatrice and Kambili off their exclusion from the world. Adichie serves as a warning that in exclusivity, there is a possibility of women excluding each other. Therefore, the jurisprudence, I propose attempts to be inclusive of the varying degrees of African women.

5.3 LOOKING FORWARD

While the scope of this study does not allow for a comprehensive reflection of the challenges that confront African women it generates a possibility for further exploration. Firstly, African women are not a homogenous group; there is an opportunity to explore the same question from the perspective of lesbian African women, African women living with disabilities, African women in Islam religion and many others. Secondly, the study uses literature, specifically the novel, but there remains an opportunity to explore African female written drama and poetry, their presentation of the interaction of law with African women. Third and final, usurp of the traditional *Bildungsroman* genre presents other *Bildungsroman* that accounts for the experiences of African women such as the African lesbian *Bildungsroman*. As indicated earlier, African women are not homogenous, therefore if the goal were to construct African women jurisprudence, it would suffice to consider African lesbians.

The challenges that confront African women, in the age of legal modernity and human rights demands a deliberate mind shift in how society, law and human rights view African women. A meaningful change for what justice is for African women is possible if the law is sensitive to their experiences. It is equally critical for society to develop an ear that recognises the

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voice of African women. This study underscores the significant contribution of African female written novels in revealing their experiences and the gaps in the justice systems. The potential of literature is the capacity to offer alternative views that are contrary to the mainstream.

5.3CONCLUSION

This chapter concludes the study by advocating for an empathetic jurisprudence that responds to the challenges that confront African women. The chapter also acknowledges the contribution of the law and literature approach to the possibility of African women jurisprudence. What stands out is that *Purple Hibiscus* and *Patchwork* exhibit the hidden power, truth and knowledge interplay that occurs in the private space that African women occupy. In addition, Society continually overlooks and undermines the viewpoint and experiences of African women who struggle under the burden of colonialism and patriarchy. For those reasons, this study applies the law and literature approach to highlight the viewpoint and experiences of African women as necessary to the creation of an emphatic jurisprudence of them.

Purple Hibiscus and *Patchwork* reveal that empathy is necessary to facilitate the dialogue on issues that are problematic to African women in society. Readers not only identify the problems but also imagine themselves within those situations. Modernity provides substantial sources of information likely to influence moral imagination. For this reason, empathy remains fundamental to allow people to connect and to search for ways to function safely as a society. Empathy manifests as cognitive, emotional and compassionate. This suggests empathy identifies with the idea of thinking, being sensitive and considerate of others. Sadly, the organisation of modern society relies absolutely on law and human rights to determine social order rather than empathy.

However, the consensus remains that literature specifically novels can produce empathy in readers. What remains is if reading these novels do indeed change the way people feel and view the suffering of others in society. Empathy is important to African women jurisprudence because it provides a sense of belonging; it promotes positive behaviour and is necessary for cooperation. All these are aspects that pave the way to provide justice to African women.

It is easy to assume that all people are human but reality shows varying degrees of who is considered human.. Human rights instruments emphasise the idea of being human, which indicates that at some point in time people may fail to recognise other people as inhuman

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enough to deserve the same rights as them. Societies are hierarchical therefore, there is always a need to emphasise the humanness of people. African women who belong to the near bottom of human social strata remain vulnerable to various abuses. The design of systems of colonialism and patriarchy is such that it takes away the humanness and dignity of those it deems inhuman. Human rights are not exempt from that system that takes away humanness from those that deserve it. The novel disarms and reveals the inconsistencies that the human rights system preserves against African women.

The link between human rights and denying African women humanness begins at human rights as a product of Enlightenment. Enlightenment reason produces a modern self-centred individual. The idea of others fails to exist within an environment that fosters the psychological and physical emancipation of the self. If reason decides who is human, the possibilities of error are high and so is human-induced conflict. Nevertheless, what remains is that humanness is necessary to any system of justice that promises to address challenges facing African women. That system must recognise African women as human first, and then address their challenges from a human perspective.

The law and literature approach draws to the fore the intersectionality of challenges that confront. African women remain at the mercy of these challenges because the law, human rights and society overlook intersectionality. Intersectionality holds the potential to disarm the power and ideologies that keep African women underlings. African women jurisprudence must address this interconnectedness in the hope of justice for African women.

The absence of humanness leads to African women as a group that experiences continual exclusion from power. African female written novels articulate the exclusion of women. In essence, the contribution of literature to jurisprudence is exposing the inequalities and power imbalances against groups in the margins. Systematic exclusion of women occurs in three ways: first, towards women as female persons, secondly, the exclusion of the realities and experiences of women and third and final, the exclusion of bodies of women. Most relevant to this study is how law and human rights can be agents of the exclusion of African women realities, experiences and bodies even though the popular narrative is that they are tools of inclusion. Even more, important is that literature offers alternatives to the law as the sole truth about African women. Literature questions the legitimacy and power-law and human rights have over African women. Law and human rights have an inherent propensity for exclusion. Law in the past has kept African women away from the public space. Rights to

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participate in the law-making process such as voting, property ownership, right of movement and certain occupations such as mining and policing were limited to males.

The nature and the problem of this study make it difficult to put a conclusion to the struggle to attain justice for African women. The promise for justice for African women is a daily struggle that persists for centuries. One of the assumptions of this study is that the independence of Africa guarantees a better place for African women. However, that has not been, consequently, the struggle continues. Consequently, a specific empathetic jurisprudence, for African women may offer the opportunity to address their challenges while recognising past injustices towards them.

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APPENDICES

APPENDICE A: AUTHOR PROFILES AND HISTORICAL BACKGROUNDS, NOVEL SUMMARIES AND ANALYSES

PURPLE HIBISCUS BY CN ADICHIE

Author Profile

Chimamanda Ngozi Adichie was born in 1977 in Nigeria. Adichie demonstrates political and social awareness in work. The novel *Purple Hibiscus* won the Commonwealth Writers' Prize and the Hurston/Wright Legacy Award*; Half of a Yellow Sun* won the Orange Prize and was a National Book Critics Circle Award Finalist and a *New York Times* Notable Book. In addition, *Americana* won the National Book Critics Circle Award and the *New York Times,* named it one of the Top Ten Best Books of 2013. Moreover, Adichie is also the author of the story collection *The Thing Around Your Neck*.

Adichie speaks around the world at invitation. Her 2009 TED Talk, *The Danger of A Single Story*, is now one of the most-viewed TED Talks of all time. Her 2012 talk *We Should All Be Feminists* started a worldwide conversation about feminism and became a book in 2014. In 2017, Adichie published her most recent book, *Dear Ijeawele, or a Feminist Manifesto in Fifteen Suggestions*. A recipient of a MacArthur Foundation Fellowship, Ms Adichie divides her time between the United States and Nigeria.

Historical Background Nigeria

Colonial Nigeria (1884-1960)[1]

The scramble for Africa's resources led to the nineteenth-century European powers partitioning Africa among themselves.[2] The searches for Africa's resources coincided with the European industrial revolution in parts of Europe including Britain that forced her to search outside her borders to meet the demand for resources.[3] Sadly, the partitioning of the Africa map at the Berlin Conference of 1884-1885 took place a few years after the abolishment of the slave trade that depreciated masses of West African young men and

[1] This background history pays more attention to the British occupation of the south of Nigeria where the Igbo people populate.
[2] S Michalopoulos & E Papaioannou 'The Long-Run Effects of the Scramble for Africa' (2011)106 American Economic Review 1.
[3] AM Mudeji 'Historical Background of Nigerian Politics, 1900-1960' (2013) 16 (2) *IOSR Journal of Humanities and Social Science* 84 at 87.

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women to work in plantations and other hard labour tasks in Europe, West Indies and North America.[4] The slave trade left Nigeria with a weak traditional leadership structure, which made her vulnerable to the onslaught of colonialism.[5] *Purple Hibiscus* briefly refers to King Opobo, who refused foreign traders during the slave trade an opportunity to control all the trade in his area before his banishment to West Indies.[6] Without clear leadership structures that could refuse and fight the colonial occupation, it became easier for the British coloniser to gain a foothold into South Nigeria.

Stelios Michalopoulos and Elias Papaioannou in their examination of the scramble for Africa, explain that the nineteenth-century European powers partitioned Africa into spheres of influence, protectorates, colonies, and free-trade areas disregarding the geography and ethnicity of the people in Africa.[7] This partition would have other blood-curdling consequences even in post-independent Africa, where people of the same country would fight each other over their ethnicity. Nigeria, between 1967 and 1970 experienced the Biafra war, which was heavy with religious-ethnic overtones. In pursuit of independence, the Igbo people declare secession from Nigeria becoming Biafra.[8] Enugu was at the centre of the Biafra civil war. Adichie partly sets *Purple Hibiscus* in Enugu. The colonial and the Biafra civil war scars are evident throughout the text. The European takeover of Africa met with strong resistance from Africans but modern Europe had firepower, medical skills, mechanical transport and literacy to its advantage.[9] The discovery of malaria medication quinine in the 1850s enable colonial explorers and missionaries to access the south of Nigeria.[10] In other words, modern industrial Europe paved a way for the 'easy' occupation of Nigeria. Tragically, the partitioning of Africa, which began as a mapping exercise for the nineteenth-century European powers, certainly set a chain of events whose legacy remains in the psyche of the African people today. In addition, even more, specific to this study, the ripple effects of colonisation echo strongly in the lives of African women today.

[4] S Michalopoulos & E Papaioannou 'The Long-Run Effects of the Scramble for Africa' (2011)106 *American Economic Review* 1.
[5] 'The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/historical-legacies (Accessed 24 December 2019).
[6] CN Adichie *Purple Hibiscus* (2010) 145.
[7] S Michalopoulos & E Papaioannou (2011) 'The long-run effects of the scramble for Africa' http://www.yale.edu/leitner/resources/papers/scramble_africa_stelios_elias.pdf (Accessed 20 December 2019).
[8] J Iliffe *Africans: The history of a continent* (1995) 258.
[9] J Iliffe *Africans: The history of a continent* (1995) 187.
[10] 'The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960 (Accessed 24 December 2019).

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Indirect rule

Soon after the Berlin Conference, Britain declares a protectorate over the Niger Delta, later branching into Igboland and Benin.[11] Colonial Igboland, today also includes Enugu, the setting of the novel *Purple Hibiscus*. In 1886, The British gain a foothold into the Yorubaland, thereby taking over the southern Nigeria resource-rich West African forest.[12] In 1914, Governor-general Frederick Lugard, oversaw the Colony and Protectorate of Nigeria at its establishment using an indirect rule system.[13] The indirect rule system allows the British to use the local chiefs and leaders to rule their people.[14] To consolidate power in the British colonial, administrators aggressively encourage the use of western education, western religion in the south of Nigeria, laws to cement their presence in Nigeria.

In essence, the British colonial western education aligns well with the pursuit of enlightening Africa.[15] Missionaries built schools that mould predominantly African men on how to behave and respect the colonial figure and authority. Education was a tool of social differentiation and political conflict.[16] In other words, western education further fragmented African societies, as it became a tool to determine classes and a driver of political tensions. Sadly, the same outlook seemingly continues in independent Nigeria as reflects *Purple Hibiscus*.

Similarly, the British colonialists used Western religion like Western education as a tool of control and indoctrination of the African population. Colonialists in Nigeria brought Islam and Christianity.[17] The area of Enugu, Aba, and Nsukka was predominantly Christian but with Islam and traditional worship still practised.[18] Interestingly, the majority of the target for Christianity was individuals who were poor, the needy and the rejected.[19] Indeed, these African individuals were most likely to turn to the religion of the coloniser as a saviour from their brutal kind. Eugene in *Purple Hibiscus* believes the missionaries to have saved him

[11] J Iliffe *Africans: The history of a continent* (1995) 190.
[12] J Iliffe *Africans: The history of a continent* (1995) 190.
[13] '(The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960 Accessed 24 December 2019).
[14] '(The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960 Accessed 24 December 2019).
[15] 'The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960 (Accessed 24 December 2019).
[16] J Iliffe *Africans: The history of a continent* (1995) 155.
[17] Islam is not British but the British did not hesitate to use to fulfil their goals in Nigeria.
[18] 'The Colonial Era (1882-1960)' https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960 (Accessed 24 December 2019).
[19] J Iliffe *Africans: The history of a continent* (1995) 154.

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from poverty. Eugene credits his success to the education and religion of missionaries even though his father Papa-Nnukwu thinks otherwise.[20] On the other hand, Christianity supports the creation of good African Christian women and more homemakers familiar with domestic duties.[21] On the flipside is the creation of good Christian African women is the creation of African men who could abuse that type of women, as men were the head of the family. This image emerges in post-independent Nigeria as Beatrice carries the good Christian homemaker colonial legacy both in and outside the Achike household at the expense of her sanity.

In addition to the control of Africans through education and religion, the British colonialists consolidated their gain through a legal system, using the law as an apparatus to curb the behaviour of Africans along with colonialist goals. These laws had adverse repercussions on the lives of Africans, moreover, African women. During the British occupation of Nigeria, they had several constitutions that determine the course of political leadership in Nigeria and, ultimately, the lives of Nigerians. However, the Clifford Constitution 'disenfranchised women and this led to their subjugation as well as limiting the wealth of adult males.'[22] In addition, to having zero Africans in the executive, the Clifford Constitution demand is that only African males who earn more hundred pounds are eligible to vote. Economically, the nature of production excludes such that African women, therefore, could never earn hundred pounds annually.[23] This meant fewer Africans could vote and even fewer African women qualified.

Twelve years after the Universal Declaration of Human Rights, Nigeria gains its independence on 1 October 1960. Prime Minister Sir Abubakar Tafawa Balewa led a coalition government. The British withdrawing from Nigeria had more to do with her financial inabilities to keep overseas colonies and protectorates rather than due to respect for

[20] CN Adichie *Purple Hibiscus* (2010) 47, 83.
[21] MA Azuike 'Women's Struggles and Independence in Adichie's Purple Hibiscus and Half of a Yellow Sun' (2009) 3(4) *African Research Review* 79 at 81.
[22] NA Wole-Abu 'Nigerian Women, Memories of the Past and Visions of the Future through the Communication Narratives of the Media' http://www.globalmediajournal.com/open-access/nigerian-women-memories-of-the-past-and-visions-of-the-future-through-the-communication-narratives-of-the-media.php?aid=87196 (Accessed 31 December 2019).
[23] I Ugiagbe 'Beginning of the Nigerian constitutional development under the colonial rule 1914-1926' (2018) 4 6 *International Journal of Law* 59 at 60.

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human rights.[24] It is against this background that Littleton Constitution paves the way for a federal and regional government. The stage was set for a Constitution that represents, reflects the future of the people of Nigeria.

However, after independence, Nigeria suffered numerous human rights related atrocities that probably reflect her violent colonial past ingrained in her people. Some of the reasons of the coups stem from the fact that the British had divided Nigeria on regional lines instead of tribe lines.[25] *Purple Hibiscus* depicts the military coups and the Nigeria-Biafran war from 6 July 1967 to 15 January 1970. Military coups were unsurprising as most of the former British administrators of colonial Nigeria such as Fredrick Lugard and John Glover who later creates the Nigerian Police force had a military background.[26] In addition, the militarisation of Nigeria normalises the use of suppression and violence as an apparatus of governance.[27] This habit also stretches into the Achike household. Adichie refers to police brutality, corruption, favouritism in *Purple Hibiscus.*

***Purple Hibiscus* Summary**

The novel is a four-part coming-of-age *Bildungsroman* about a fifteen-year-old Kambili and her older brother Jaja, who confront political and social pressures while growing up. Kambili Achike comes from a privileged family in Enugu, Nigeria. Her family comprises older brother Jaja, mother Beatrice, and an exceptionally prominent father Eugene. While the men in the Achike family are outspoken with Jaja being rebellious too, Kambili and her mother present a mute presence. From this view, Kambili intimately curates the good and the bad episodes in her family.

Eugene is a wealthy, patriarchal Igbo but staunchly religious man. He takes care of his immediate family and his church, St Agnes and his rural home community, as the many praises he receives from his Catholic church illustrate. In addition to other businesses, Eugene owns a newspaper, the *Standard* that he uses to show his dissatisfaction with the Nigerian government. He seems a very loving father and husband to the outside world, yet

[24] After World War II, Britain endured huge losses that affected her place as a super power and ability to maintain her large empire; therefore, letting go was the best option to preserve what little prestige she had left. See J Darwin 'Britain, the Commonwealth and the End of Empire' http://www.bbc.co.uk/history/british/modern/endofempire_overview_01.shtml (Accessed 20 December 2019).
[25] F Parker 'Biafra and the Nigerian civil war' 1969 32 8 *Negro History Bulletin* 7 at 8.
[26] JUJ Aseigbu *Nigeria and its British invaders, 1851-1920: a thematic documentary history* (1984) xxv.
[27] PO Agbese 'The Political Economy of Militarization in Nigeria' (1990) 25 3 *Africa Spectrum* 293 at 293.

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Adichie expresses the amount of abuse he unleashes on his family under the cover of religious militancy where no one could witness or challenge his behaviour.

Kambili and her brother Jaja have a set militaristic timetable that they have to follow during and off school term. Even workers at the compound such as Kevin, the driver, and Sisi, the house cleaner, follow Eugene's instructions without reservation. Enugu is where Eugene incessantly assaults his wife. These assaults lead to numerous miscarriages. Enugu is the place where Jaja decides to rebel against his father's rules and a place his father assaults him severely.

Breaking Gods, *Palm Sunday*

The story begins with an indication of an unstable home as it introduces Kambili's family and their relation to each other. Kambili recalls how Jaja's failure to attend communion led to Papa flinging the heavy missal across the room and breaking the figurines.[28] This event happens soon after the family returns from church. Kambili also introduces the reader to Father Benedict, the British priest who plays a crucial role in Papa's understanding of religion and his denigration of local religious beliefs, customs and language. Father Benedict disapproves of the use of the Igbo language at St Agnes for Credo and Kyrie. Father Benedict, however, grudgingly permits Igbo 'native' songs. Father Benedict in his sermons constantly refers to Papa or Bro Eugene as a man who speaks for freedom. Kambili views Father Benedict as placing her father between the Pope and Jesus in their importance to the church. In addition, Kambili reveals that Papa is the largest donor to Peter's pence and St Vincent de Paul and other needs that require donations.

Papa believes that only sin makes somebody miss communion twice in a row, therefore, he encourages Father Benedict to pursue any member who misses the communion more than twice. It is this belief that explains Papa's anger at his son's failure to receive the Holy Communion that Sunday. Papa picks up the missal and throws it at Jaja, which misses him but falls on Mama's beloved glass cupboard, which held the ceramic glass ballet figurines that broke. Readers get a glimpse of the Achike family at dinner, which begins with handwashing from a dish Sisi holds, then follows a twenty-minute long grace.

Speaking with our spirits, *Before Palm Sunday*

[28] CN Adichie *Purple Hibiscus* (2010) 5.

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Kambili narrates her family daily routine. She allows readers into the intricate relationships her members of the family have with each other. The portion has twelve episodes, which make up the majority of the book. I examine the most significant episodes. In the first episode, Adichie shows the close relationship Kambili has with her mother, Mama. Mama seems to speak freely with Kambili over issues in her marriage, from her pregnancy and her numerous miscarriages.[29] It is in these conversations between Kambili and her mother that readers learn of the struggles Mama has in her marriage. Readers also learn how Mama believes that her husband loves her as he at numerous times refuses to bring another woman into their marriage despite pressure from the *umunna*.[30] The *umunna* believes that Papa, their son should have another wife to give him more children. Mama tells Kambili about her pregnancy who later confides the news to Jaja. From the conversations between Kambili and Jaja, their close relationship, readers begin to learn of their strong bond throughout the text. Kambili and Jaja not only have a language that is familiar to them but also silence veils this language especially if in the presence of their very stern father.

In this same episode, Kambili explains the change in governance that took place during her school vacation. The whole family is playing a game when there is an interruption in the radio programme with an announcement from a Hausa speaking general that there has been a coup.[31] Immediately after the news, Papa called his editor Ade Cocker, according to Kambili probably to tell him how to write the editorial. *The Standard* is the only paper that criticizes the coup. The coup brings many changes even to the Achikes as soldiers stand on guard on their roads and streets.

In the next episode, the St. Agnes parish has a visit from a young black priest who breaks into an Igbo song, mid sermon. After Mass, as usual, the family visits Father Benedict at his home. Mama asks Papa if she could remain in the car at which Papa frowns. Mama goes into the house with the rest of the family. After that Papa's demeanour changes, later on, he refuses Mama's offer to pour tea for him. Instead, Papa pours the piping hot tea and tells Jaja and Kambili to take turns to sip the Lipton tea. At lunch, Papa says a prayer that asks for forgiveness especially for those who refuse to visit God's servant (Father Benedict). After lunch, while in her room, Kambili hears heavy thud like sounds from her parents' bedroom.[32]

[29] CN Adichie *Purple Hibiscus* (2010) 20.
[30] CN Adichie *Purple Hibiscus* (2010) 20.
[31] CN Adichie *Purple Hibiscus* (2010) 24.
[32] CN Adichie *Purple Hibiscus* (2010) 32.

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After the sounds stop and the bedroom door opens, Kambili witnesses her father carrying her mother over his shoulder as he left the house. Jaja notices blood on the floor, which together with Kambili they wipe away. When Mama returns she announces to her children that there was an accident. The baby is gone.[33] Later, Mama declines the offer from Sisi to help her bathe or to eat. She chooses to clean and polish the shelf and the beige ballet dancing figurines.

The Achike family spends every Christmas in Abba, their hometown. Papa leads the prayers and alternates with his wife and children to Abba. Papa allows Kambili and Jaja to visit their paternal grandfather, Papa-Nnukwu, for fifteen minutes with strict instructions not to accept or touch anything of his. Later, at a function, the wives of the members of the *umunna* encourage Mama to rest after the stress of city living while they do all the cooking. Kambili explains that Papa is happy when villagers make an effort to speak in English in his presence as it shows their good sense.[34] Unusual, Kambili and Jaja did not have schedules in Abba because Papa as the chief entertains a constant stream of visitors.

Kambili and Jaja visit their grandfather in the village. Papa-Nnukwu reveals his daughter, Aunty Ifeoma difficult financial status that determines whether she visits or affords medicine for him.[35] On the other hand, his son, Papa is giving gifts and donations to the less fortunate in the village. Before Kambili and Jaja leave, Kevin the driver hands Papa-Nnukwu a wad of cash. Immediately Kambili observes that Papa gives more to other people.

In the fifth episode, Aunty Ifeoma, a widow came to visit the next day. Kambili recognises some peculiar characteristics of her aunt; her hearty laughter, her walk as if she knew where she is going and, her fast speech as if she had so much to say.[36] Aunty Ifeoma notices how tired looking Mama is and invites her to sit down. Mama declines to point that the wives of the *umunna* need assistance. Aunty Ifeoma laughs and explains that the wives of *umunna* want to cook so that they steal a few things from the food to take to their homes to eat. Mama declines to attend the Aro festival with Aunty Ifeoma because her husband defines the festival as heathen. Aunty Ifeoma reveals the problems she encounters as a widow such as the fight for her husband's estate, the false accusations around her husband's death. Further,

[33] CN Adichie *Purple Hibiscus* (2010) 34.
[34] CN Adichie *Purple Hibiscus* (2010) 60.
[35] CN Adichie *Purple Hibiscus* (2010) 65.
[36] CN Adichie *Purple Hibiscus* (2010) 71.

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Aunty Ifeoma has mixed feelings over how long she would keep taking her children to her in-laws.[37] Like Mama, Aunty Ifeoma receives animosity from her *umunna* too. Aunty Ifeoma is of the view that marriage does not complete a woman. That at times it could imprison her.

In the sixth episode, the Achike family drives off to St Paul for the Christmas service where in the church compound they meet Aunty Ifeoma and her family who had attended the earlier service. Later, Mama introduces Kambili and Jaja to the *umunna* wives who were cooking for the masses of people for the Christmas celebration. Kambili describes the *umunna* wives as looking alike, wearing ill-fitting blouses, threadbare, wrappers, and scarves tied around their heads. They all had the same-chalk coloured teeth, the same sun-dried skin, the colour and texture of groundnuts husks.[38] The *umunna* wives note to each other that Jaja will one day inherit his father's wealth. One *umunna* wife wishes she had a daughter she could sell to Jaja. Mama instructs Kambili and Jaja to go back into the house to wait for their cousins. Of much significance in this episode is that Aunty Ifeoma persuades her brother to allow his children to visit her in Nsukka for a week.

In Nsukka, Aunty Ifeoma and the children tour the campus. Kambili notices the many differences between her family and that of Aunty Ifeoma. She notices Amaka's red lips, body-fitting clothing and loud voice. However, Amaka questions why Kambili's voice is low. Kambili observes that her Aunt's home is rougher than her home. In addition, she observes that while her family spoke with purpose Aunty Ifeoma's family tends to speak constantly.

In Nsukka, Kambili meets Father Amadi who becomes her first love. In Father Amadi, she finds a different man from her father. In addition, Kambili marvels at her independent vocal and activist cousin Amaka who gives her a glimpse of freedom from patriarchal control. Amaka seems 'balanced' as she is aware of both modern and the traditional way of doing things. On the other hand, Papa-Nnukwu becomes ill and Aunty Ifeoma takes him into her home.

Eugene, after collecting his children from Aunty Ifeoma, pours boiling water on their feet because they 'have walked into sin' through living in the same home with a heathen, that is Papa-Nnukwu. Here, Eugene reveals the source of his callousness, he tells Kambili that once he sinned with his own body, perhaps masturbated, and the reverend father he lived with

[37] CN Adichie *Purple Hibiscus* (2010) 74.
[38] CN Adichie *Purple Hibiscus* (2010) 91.

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soaked his hands in boiling water. This explanation attempts to validate his behaviour towards his children.

Later, Eugene discovers a picture of his father with Kambili and beats her up until she collapses. The extent of her injuries is so much such that she even writes her exams in hospital. As soon as the hospital discharges Kambili, Jaja and she head to Nsukka. Their cousins are happy to welcome them back again. Kambili's admiration for Father Amadi grows. Jaja too falls in love with Aunty Ifeoma's little garden and works at it with passion, at this stage in their lives they begin to blossom like Aunty Ifeoma's 'purple hibiscus'. Students on the University campus riot because a sole administrator manages the university. The University management suspects Aunty Ifeoma as a part of those that influence students to riot. The University management searches her residence. Later, Father Amadi takes Kambili to a hair salon.

The pieces of gods, *After Palm Sunday*

'Everything came tumbling down after a Palm Sunday.'[39] Kambili recounts a few incidents that act as a precursor to a chain of events that shifts the power scales in the Achike household. During dinner that day, Jaja refuses to come down to join the family though Papa has demands he does so.[40] Mama, on the other hand, does not hide the food she sends to him in his room like before. Aunty Ifeoma informs Kambili of the termination of her work contract. Aunty Ifeoma adds that she applied for a visa at the American embassy. The news of Father Amadi moving to Germany for missionary work saddens Kambili more. After Jaja speaks to Aunty Ifeoma, he informs Papa that Kambili and he were going to Nsukka for the Easter holiday.[41] He cares not what Papa's reaction is to that news. Indeed, he and Kambili travel to Nsukka that day.

Despite the long list of things that she has to do before she leaves for the United States of America, Aunty Ifeoma remembers that she needs to ask her brother for Jaja and Kambili to move to a boarding school; that is away from her violent brother. Unfortunately, before Aunty Ifeoma could ask, she receives a phone call that Eugene is dead. Kambili realises that she never thought her Papa would die; that he was mortal.

[39] CN Adichie *Purple Hibiscus* (2010) 257.
[40] CN Adichie *Purple Hibiscus* (2010) 258.
[41] CN Adichie *Purple Hibiscus* (2010) 261.

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Aunty Ifeoma travels back to Enugu with Kambili and Jaja. Mama refuses the *umunna* access to her home. Mama confesses to Kambili that before she came to Nsukka she started adding poison that came from Sisi to her father's tea.[42] That news terrifies Kambili as she used to sip Papa's scalding tea. Soon after the confession, the police came; Jaja tells them he had used rat poison in Papa's tea. This subheading ends with the police taking Jaja away with them.

A different silence, *The present*

Three years later, Kambili is eighteen and more self-assured than before. A tough but not broke Jaja faces release from prison. Beatrice, who had deteriorated psychologically, now demonstrates small signs of recovery. They keep in constant touch with Aunty Ifeoma and cousins. There is a message of hope.

Analysis of Purple Hibiscus

Purple Hibiscus is set in postcolonial Nigeria rotating among three cities: Enugu, Nsukka and Abba. All these places hold a significant place and meaning to the novel and the characters of Kambili, Mama Beatrice, Amaka and Aunty Ifeoma. Nsukka and Abba cities are in the state of Enugu, which is in the southeast part of Nigeria predominantly of Igbo people. Historically, the Enugu state before independence was under the British settler administration. Adichie documents the British influence post-independence through Eugene's way of life. Eugene values his missionary education, Catholic religion and missionary style of discipline consequently; Eugene tries to force his children to follow in the same footsteps.

Christianity dominates the Enugu State religious beliefs,[43] although there are a percentage of people who believe in the African traditional religion known as *Omenani*. The Igbo people who practice the *Omenani* religion refer to the supreme God as *Chukwu* ('the great spirit').[44] The different religions in *Purple Hibiscus* especially reflect on the tensions Christianity brings to families that practise *Omenani*. Eugene considers African religion inferior to Christianity and this tarnishes his relationships with his father, sister and his children. Throughout the novel, Eugene displays the influence of British colonial education and religion on the psyche of the African man.

[42] CN Adichie *Purple Hibiscus* (2010) 290.
[43] JN Akah & AC Ajah 'The changing impact of religiosity on agentic political engagement in Nigeria' (2020) 6 1 *Cogent Social Sciences* 1 at 3.
[44] OK Ngele and others 'Sōteria (salvation) in Christianity and Ubandu [wholeness] in Igbo traditional religion: Towards a renewed understanding' (2017) 73 3 *Teologiese Studies/ Theological Studies* 1 at 4.

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Kambili declares 'Until Nsukka.' Nsukka started it all...'[45] Nsukka is where Aunty Ifeoma, Eugene's sister works and lives. Nsukka is the sight of the first indigenous Nigerian university known as the University Of Nigeria.[46] With the University of Nigeria as the first indigenous university, the assumption is it reflects African humanity, values and equality separate from those of the colonisers. Ironically, the university motto is "To restore the dignity of man".[47] From the experience of Aunty Ifeoma at the university and that of her female lecturer friends, I conclude that the university is not a beacon of hope for the once oppressed people in particular African women. Seemingly, Adichie derides all that the university presents not only to the future of Nigeria but to that of Nigerian women too. The university is just an institution whose ideals fail to advance the struggle of not only female lecturers but also the female students in it.

Nsukka was also the first Biafra town under the capture of the Nigerian forces during the Nigerian-Biafra war in July 1967.[48] Adichie reminisces on the effects of the Nigeria Biafra war on the people of Enugu and the possible role of human rights and law in affording peace and harmony. Although the University of Nigeria burnt during the Biafra-Nigeria war, the major casualty was the people in the Nsukka area who became refugees during this trying era.[49] Adichie does demonstrate the effects of marginalised governance and service delivery on the people of Nsukka from constant power cuts, lack of fuel, poor sanitation, and lack of piped clean water. All these are basic human rights that should be available to people. Adichie displays how the absence of water, power, and fuel affects Aunty Ifeoma not as a woman but also as a widow and a mother.

However, while Nsukka a difficult place; but it is where the purple hibiscus flourishes. Jaja develops an interest, in that flower even though his home in Enugu had hibiscuses too. Nsukka is where Kambili and Jaja flourish like the purple hibiscus as they learn to speak and recognise their worth. In Nsukka, Kambili recognises her womanhood and sexuality. She falls in love with Father Amadi. In Nsukka, Mama Beatrice finds refuge from her violent

[45] CN Adichie *Purple Hibiscus* (2010) 16.
[46] Dr Nnamdi-Azikiwe found, the first indigenous governor general of Nigeria in 1955. See AN Eneh & OC Eneh 'Rethinking the curriculum of Nigerian university education: Functionality challenges' (2015) 7 1-4 *Sustainable Human Development Review* 39 at 41.
[47] CN Adichie *Purple Hibiscus* (2010) 112.
[48] R Doron & CG Thomas 'Introducing the new lens of African military history' (2019) 3*Journal of African Military History* 79 at 83.
[49] R Doron & CG Thomas 'Introducing the new lens of African military history' (2019) 3*Journal of African Military History* 79 at 83.

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husband. In Nsukka, Mama Beatrice finds the courage to act on her violent life. Nsukka is a place of hope.

Abba is the rural home of the Achike family. Abba is a double-edged sword where Papa-Nnukwu, Eugene's father resides. His character reflects the spirit of Abba. Abba believes in ancestral worship and celestial beings. Abba is home to the Igbo people and, many Igbo people descend on Abba during the December festive period. Kambili explains how Sister Veronica observes that many Igbo people build huge houses in Abba only to stay in them for two weeks while living the rest of the year in close quarters in the city.[50] Eugene also has a huge house in Abba but unlike everyone else lives in a big house in the city.

Several churches and mosques populate Abba with Catholicism dominant.[51] Eugene takes his family to Christmas Mass at St Paul.[52] Eugene recounts how grateful he was for his Catholic missionary education. However, Abba is also a place where there is a strong belief in ancestral worship much to the disgust of Eugene. In *Purple Hibiscus*, Abba is a place that reflects the tension between Christianity and traditional religion. Adichie does confront this tension in the relationship between Eugene and his ailing Father, his widowed sister and his children. In my opinion, Adichie questions the value of Christianity vis-a-vis that of family.

Furthermore, in *Purple Hibiscus*, Abba is the place that respects patriarchy and tradition at the expense of African women. Although Papa-Nnukwu is an advocate for traditional beliefs, he is quick to leave his daughter and granddaughters out of the conversation. Aunty Ifeoma grants him that leeway, even though I believe Aunty Ifeoma should have challenged his statement. Papa-Nnukwu is the symbol of the traditional patriarchy while his son, Eugene is the hybrid of modern and traditional patriarchy. On the other hand, in Abba, readers learn the experiences of the wives of the *umunna*. The *umunna* wives need to please reveals they are most likely to conform to patriarchal norms and values. While seemingly the *umunna* wives experiences seem dull and unimaginative, their behaviour speaks to a bigger problem. For example, *umunna* wives opting to take rotten food home, their tattered clothes, and their over-respect to Eugene unsettles my mind.

[50] CN Adichie *Purple Hibiscus* (2010) 53.
[51] NJ Obasi 'Abbaomege (Abba-Omege): The people, their culture, economy, religion and politics' (2017) 1 7 *Asian Journal of Applied Science and Technology (AJAST)* 65 at 70.
[52] CN Adichie *Purple Hibiscus* (2010) 89.

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In short, Enugu, Nsukka, and Abba each represent a certain position, a growth or a distinct change in the lives of the characters. The setting of the various episodes in the text is strategic and it enhances the understanding of the text.

Concerning plot, the text comprises a novel of formation. It focuses on the development of fifteen-year-old Kambili, the hero and narrator of her story. She has a repressive upbringing because of the oppressive nature of her father. Her story is primarily set within the stern walls of the Achike family compound in Enugu State, Nigeria. In these walls, her father, Eugene, is a violent psychopathic parent who repetitively assaults his wife and children. In addition, he is an advocate for a free and fair Nigeria by voicing out against corruption and corrupt leadership. In essence, the plot inevitably arouses curiosity, sympathy and action in the reader. Curiosity as to why women or people continue to exist under oppressive conditions? It arouses sympathy that induces feelings that will lead to action.

Readers rely on Kambili as the sole narrative voice in the novel. She does not seem to possess an omniscient presence in the thoughts of all the characters. Readers infer what they know about Eugene from his cruel behaviour and harsh treatment of his family. Kambili laces her portrayal of Eugene with 'love' and 'devotion'. Adichie permits through her vivid descriptions the reader to observe critically another side of Eugene that is blind to Kambili. I would have wanted to know if Eugene ever regrets the harsh treatment of his family.

Adichie uses a combination of formal, informal and colloquial diction. What this means is that the conversations between Eugene and his family are rigid and very formal while Aunty Ifeoma and her family conversations are comfortable and informal. The formality in the Achike household reflects reaffirms the silence and the iron rod of Eugene that prevails there. Adichie does not shy away from using her native Igbo to describe food, gods, and conditions. Readers can learn about the Igbo culture through their food, gods, and language. In addition, Adichie uses several Igbo proverbs, idioms, and symbols. In a way, this shames the attitude that Eugene has against his own culture and people in favour of the colonial languages and culture.

PATCHWORK BY E BANDA-AAKU

Author profile

Ellen Banda-Aaku is a writer from Zambia born in Woking Surrey in 1965. She has lived and worked in Ghana, South Africa, the United Kingdom and Zambia. Banda-Aaku published

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seven books for children and two novels. In addition, she produced a radio drama and film documentary. Her first book for children, *Wandi's Little Voice*, won the 2004 Macmillan's Writers Prize for Africa. *Sozi's Box*, her short story won the Commonwealth Short story Competition in 2007. Her short stories have appeared in anthologies published in Australia, South Africa the UK and the US.

Her first novel, *Patchwork* won the Penguin Prize for African Writing and was short-listed for the 2012 Commonwealth Book prize. Ellen judged on the 2006 Macmillan Writer's Prize for Africa, the 2013 Malawi Peer Gynt National Novel Writing Competition and the 2014 Writivism Short Story Writing Competition for Africa. In 2012, Banda-Aaku received the Zambia Arts Council Ngoma Chairpersons Award for her accomplishments in the field of Literature. She is a patron of The Pelican Post, a charity dedicated to distributing appropriate children's fiction to schools and supporting charities in Africa.

Historical Background Zambia

Colonial Zambia 1889-1964[53]

The British like in Nigeria colonised Zambia as part of the expansion of the British Empire. The history of Zambia particularly centres on the presence of copper and continues to do so to the present day.[54] The colonial expansion into parts of Southern Africa like many parts of Africa became possible because Europeans had modern technology capacity such that Africans could not compete.[55] Iliffe in the history of Africa explains that for Africans it was either 'fight or negotiate'.[56] Robert O Collins and James M Burns in the history of sub-Saharan Africa concur that many African chiefs willingly and knowingly signed treaties with white settlers that gave their areas European protection.[57] In as much as that was true, African history carries accounts of Africans that resisted European occupation. More importantly, is resistance narratives that account for African women at the forefront such as Mbuya Nehanda in Zimbabwe who led the Shona people in the 1896-7 uprising against the white settlers.[58] Another African woman is Queen Nzinga from Angola who the Portuguese describe, as an

[53] In this section, I give snapshots of history that relates to *Patchwork*.
[54] M Hinfelaar & J Achberger 'The politics of natural resource extraction in Zambia' (2017) Effective States and Inclusive Development Research Centre (ESID) Working Paper 80 6.
[55] J Iliffe *Africans the history of the continent* (1995) 192.
[56] J Iliffe *Africans the history of the continent* (1995) 193.
[57] RO Collins & JM Burns *A history of sub-saharan Africa* (2014) 272.
[58] JM Akuta and others (ed) *Public policy transformations in Africa* (2016) 55.

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'Amazon Queen' who was equally powerful against Portuguese control of her people.[59] In my view, much of the bigger influential role of African women in the war of liberation of Africa is under the glory of independence and patriarchal shroud.

The British in Southern Africa acquired Zambia, then known as Northern Rhodesia, Zimbabwe as Southern Rhodesia and Malawi as Nyasaland.[60] What is most interesting is that the traveller David Livingstone put Zambia in the British spotlight. David Livingstone, a Scottish medical doctor, missionary and explorer gave reports back to Britain that contributed to the scramble for Africa.[61] His particular reports on Southern Africa alerted the British who had no interest in that part of Africa to work with Cecil John Rhodes' British South Africa Company (BSAC) to maintain a foothold not only in Zambia but also in Zimbabwe and Malawi.[62] The British drive for occupying Zambia and Zimbabwe was an economic one rather than just a matter of ability to occupy.[63] In 1911, North-Western Rhodesia and North-Eastern Rhodesia united whose administrative control was in the hands of the BSAC until the British government took over in 1924.[64] Handing over the administration of two 'countries' to a business meant that the priorities of that administration aligned to that of fulfilling the business needs.

The BSAC preferred disrupting the initial forms of production that the Zambian people pursued before the advent of the white settlers such as mining and agrarian activities.[65] In agreement, Andrew Sardanis in describing the first fifty years of Zambia notes that local people first mined copper and iron as evidenced from old copper and iron artefacts in museums.[66] Colonialism and its capitalist tendencies destroyed and disrupted the livelihood of Zambians. Much of this disruption is present in modern Zambia today as *Patchwork* demonstrates.

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[59] JM Akuta and others (ed) *Public policy transformations in Africa* (2016) 58.
[60] J Iliffe *Africans the history of the continent* (1995) 191.
[61] 'David Livingstone (1813 - 1873)' http://www.bbc.co.uk/history/historic_figures/livingstone_david.shtml (Accessed 29 January 2020).
[62] J Iliffe *Africans the history of the continent* (1995) 191.
[63] The BSAC after developing infrastructure to support the mining industry in Southern Africa received the first mining concession at Broken Hill (Kabwe). See M Hinfelaar & J Achberger 'The politics of natural resource extraction in Zambia' (2017) Effective States and Inclusive Development Research Centre (ESID) Working Paper 80 6.
[64] M Hinfelaar & J Achberger 'The politics of natural resource extraction in Zambia' (2017) Effective States and Inclusive Development Research Centre (ESID) Working Paper 80 6.
[65] T Frederiksen 'Authorizing the "Natives": Governmentality, Dispossession, and the Contradictions of Rule in Colonial Zambia (2014) 104 6 *Annals of the Association of American Geographers* 1273 at 1274.
[66] A Sardanis *Zambia The first 50 years* (2014) 15.

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Indirect rule

The British in administering Northern Rhodesia like in most British colonies pursued indirect rule. The basis of the indirect rule is the principle of decentralisation and continuity.[67] To maintain the law and order of such vast lands, British administrators in colonies had to conserve a balance between 'indigenous traditions and imperial rule.' [68] In response to this reality, the British, in 1929 introduced the Natives Authorities Ordinance and Native Courts Ordinance.[69] In 1936, the British increased the authority the chiefs as administrators had to cover the collection of taxes and overseeing local projects.[70] While indirect rule solved administration problems for the British, it created tensions and rebellions for the African chiefs especially against demands that the British placed on chiefs and their people. The indirect rule had scathing effects on Africans because it transformed African customs, laws and politics.[71] Colonialism in its nature imposes a way of doing things on another. It was critical for the British colonialists to import their western laws into the Northern Rhodesian territory as a way of legitimising their rule.[72] Changes to customary law not only had and still have a huge impact on the position of African women in society but also affected their access to justice and enjoyment of their rights.

Colonial administration implies laws, regulations and policies that favour the white settler and force the natives to bid to their will. Alfred Tembo examining interdisciplinary research on urban migration in Zambia writes that the white settler administration practised racial segregation as an institutionalised official policy.[73] The institutionalisation of this policy meant it applied across all concerns and all over Zambia. While racial segregation created favourable conditions for white settlers to run businesses such as mines and farms, it shrunk the space for Zambians to exist and flourish, and it reclassified Africans below whites. Sardanis elaborates that racial segregation spills into all facets of life in Northern Rhodesia, at work, there were masters and servants, towns divided into European, African and Indian areas.[74] African men became second-class while African women fell below them. This

[67] RO Collins & JM Burns *A history of sub-Saharan Africa* (2014) 299.
[68] RO Collins & JM Burns *A history of sub-Saharan Africa* (2014) 299.
[69] D Wilson *A history of South and central Africa* (1975) 237.
[70] D Wilson *A history of South and central Africa* (1975) 237.
[71] RO Collins & JM Burns *A history of sub-Saharan Africa* (2014) 298.
[72] SE Merry 'Law and colonialism' (1991) 254 *Law & Society Review* 879 at 890.
[73] A Tembo 'The Rhodes-Livingstone institute and interdisciplinary research in Northern Rhodesia (Zambia), 1937-1964' (2014) 36 1 *Strategic Review for Southern Africa* 90 at 97.
[74] A Sardanis *Zambia The first 50 years* (2014) 17.

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brought to the fore the African woman question; who is she, what is her purpose and place in society? Colonialists did not see much benefit of African women to them as compared to African men who could do much more laborious work in the farms and mines. This reveals how much value colonialists situated in educating the African female child as compared to the African male. The racial segregation policy affected the socio-economic and cultural rights and the civil and political rights of Zambians. It left an indelible stain on the position especially of African women in post-independent Zambia. I pursue further this discussion in Chapter 3 of this study.

Central African Federation

Although from 1940 to 1953 Southern Rhodesia, Northern Rhodesia and Nyasaland continued to grow, British colonial administrators turned the three territories into one.[75] In 1953, the British colonial government created the Central African Federation (CAF) after pressure from other white settlers who felt that Nyasaland was not yielding as much profit as Southern Rhodesia and Northern Rhodesia.[76] While the CAF solved the problem of Nyasaland for the British government, Africans and many Europeans did not accept it.[77] Some of the reasons for unrest from other Europeans were that the administration of CAF was from Salisbury (Harare) in Southern Rhodesia and privileged white settlers, and those in Southern Rhodesia in particular.[78] In short, white settlers were more concerned about missing making money while forgotten in Northern Rhodesia and Nyasaland. For Africans, realising independence of other parts of Africa and the unjust colonial governance began agitating for majority rule and independence.

In 1960 in pursuit of independence from British control, Kenneth Kaunda took over the control of the United National Independent Party to start the struggle (UNIP) after his release from prison for nationalist activism.[79] UNIP had more clashes with the colonial government forces while demanding constitutional reforms in Northern Rhodesia.[80] The CAF collapsed in 1963 as Nyasaland and Northern Rhodesia became independent, the British colonial

[75] D Wilson *A history of South and central Africa* (1975)290.
[76] A Sardanis *Zambia The first 50 years* (2014) 18.
[77] D Wilson *A history of South and central Africa* (1975) 290.
[78] A Sardanis *Zambia The first 50 years* (2014) 19.
[79] D Wilson *A history of South and central Africa* (1975) 310.
[80] D Wilson *A history of South and central Africa* (1975) 311.

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government, that is of Ian Douglas Smith and the Rhodesian Front would not accept the same for Southern Rhodesia.

The above snapshot of Zambian colonial history serves not only to set the departure point for independent Zambia but also helps in understanding the root of modern Zambia behaviour towards African women. In addition, Zambian colonial history invites me to identify the colonial markers that exist in independent Zambia and how these influences African women from accessing justice. The presence of colonial markers in an independent Zambia poses the question either of colonialism ended at independence or is still present in various forms.

Zambia gains her independence from Britain on 24 October 1964 with Kenneth Kaunda at the helm of the country for the next 27 years.[81] *Patchwork* as a two-part story set in post-independent Zambia around the 1970s and 80s reflects and traces the political, social and economic turmoil Zambians confront during the presidency of Kaunda. On the other hand, Banda-Aaku parallels the turmoil in the Rhodesian struggle for independence with the struggle in the post-independent Zambia reflecting on the CAF before the independence of Zambia. This era perceives President Kaunda and his United National Independence Party (UNIP) deliberately employ authoritarianism to control voices dissatisfied with his leadership leading to the creation of one-party democracy.[82] Banda-Aaku illustrates this struggle for multi-lateral voices in politics when JS attempts to run for elections as a Luvale. What is critical in the elections is the absence of African women meaningful participation as candidates.

***Patchwork* Summary**

Patchwork, a *Bildungsroman*, is told from a 9-year-old Pumpkin in the first-person narration about the ills that bedevil her mother such as alcoholism, unrequited love from her father, Tata and other African women in the society. The prologue of the story provokes the reader emotionally as Pumpkin explains her identity crisis. The Registrar of Birth's office registers Pumpkin with two different names, Pezo Sakavungo and Natasha Ponga.[83] The lack of identity plagues Pumpkin throughout her childhood into womanhood. In the prologue, Banda-Aaku introduces readers to Grandma Pongo, the maternal grandmother to Pumpkin.

[81] EM Kashimani 'Zambia: The disintegration of the nationalist coalitions in UNIP and the Imposition of a one-party state, 1964-1972' (1995) 24 *Trans African Journal of History* 23 at 23.
[82] EM Kashimani 'The disintegration of the nationalist coalition in the UNIP and the imposition of one–party state 1964-72' (1995) 24 *Trans African Journal of History* 23 at 23-24.
[83] E Banda-Aaku *Patchwork* (2011) vii.

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From the onset, Banda-Aaku portrays Grandma Pongo as a strong woman who is a complete contrast from her daughter, Totela, mother to Pumpkin. Grandma Ponga abhors ill behaviour especially from the males who are part of her life.

While Pumpkin lives with her mother at Tudor Court, her father Joseph Sakavungo (JS) or Tata, lives with his other wife Mama T, and their sons. Tata pays for the upkeep of Pumpkin but does not keep his visit promises. Part of the upkeep of Pumpkin includes the 1951 bright red Fiat 127 that he purchases for her mother to take her to school.[84] The car, although a sign of modern living, gives Pumpkin and her mother problems because it is old. Totela pines for JS such that she becomes an alcoholic that depends on her daughter. As an alcohol addict, Totela relies on Pumpkin to get her next fix from a sexual predator Sibanda, the proprietor of Sibanda's Grocery & Bottle store exposing Pumpkin to harm.[85] Not only does Pumpkin have to defend herself against sexual predators such as Sibanda, but also has to defend constantly her father to her friends, Bee and Sonia for his unfulfilled promises to visit. Pumpkin concludes that her father does not choose her.[86] Equally, Bee and Sonia are unsafe from paedophiles like Mwanza.[87] Other nameless women and girls who are part of the circle of support for Pumpkin at Tudor court such as BaDodo who plaits her hair are also at the mercy of male sexual abuse. Pumpkin witnesses the rape of BaDodo that leaves her vulnerable but resolute to look up to her absent father as her protector.

Finally, Tata visits Pumpkin and finds her mother in a drunken stupor. Tata exchanges bitter words with Totela who reveals that he had wanted her to abort Pumpkin.[88] Pumpkin overhears the arguments but her concern is that Tata calls her his daughter. In a way, for Pumpkin this validates that she belongs to someone. Tata decides to take Pumpkin to live with his family at the farm. Pumpkin's move to her father's family is not easy. Her stepmother, Mama T struggles to accept her but she has little choice as her husband, Tata insists Pumpkin is part of the family. At one point, Mama T packs her bags and leaves her home for four weeks.[89] However, JS is sure that she will come back and she does. Pumpkin befriends Sissy, the family domestic worker. Sissy also faces abuse from her alcoholic husband, Zuze. Pumpkin provides further details about the difficult life Sissy leads with her

[84] E Banda-Aaku *Patchwork* (2011) 2.
[85] E Banda-Aaku *Patchwork* (2011) 15.
[86] E Banda-Aaku *Patchwork* (2011) 8.
[87] E Banda-Aaku *Patchwork* (2011) 22.
[88] E Banda-Aaku *Patchwork* (2011) 41.
[89] E Banda-Aaku *Patchwork* (2011) 48.

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fourth husband whose behaviour affects the livelihood of her children.[90] Pumpkin explains the fragile relationship between Sissy and her three former husbands.

At the farm, Pumpkin meets her stepbrothers who are nonchalant towards her. Tata is firm to embrace Pumpkin in all things family; therefore, he commissions new family portraits that include her.[91] The whole episode proves uncomfortable for Mama T who struggles to accept a product of infidelity as a member of her family. The relationship between Mama T and Pumpkin is fraught with mistrust and blame. Both parties make no effort to improve it until after the death of JS. Later, Pumpkin visits her mother and learns that her kind friend BaDodo had died from an illegal abortion procedure. Banda-Aaku draws the attention of the reader to many laws and policies that prevent women and girls from the right to access and practise sexual and reproductive health.

Although at the setting of this book, Zambia is newly independent of British colonial rule Banda-Aaku shares how the liberation war in Southern Rhodesia, Zimbabwe affects Kambili and her family. Pumpkin explains that she is under curfew for fourteen days as protection from Rhodesian forces who were in Zambia to kill Rhodesian freedom fighters.[92] In addition, the farm that her father lives in had southern Rhodesia guerrilla fighters nearby posing danger to the Sakavungo.

Meanwhile, Totela marries Uncle Oscar, an airline pilot.[93] This was a sure indication of her progress from JS. As Pumpkin grows closer to her father, she begins to notice certain anomalies about him. One of those is Gloria; a psychologist whom Pumpkin realises is in an intense affair with her father.[94] Later, in another flashback Pumpkin reveals that Tata left Mama T for Gloria who later leaves him for Barbados. Tata went back to Mama T after the affair ends. In her young mind, Pumpkin admires the woman that Gloria is as she refuses to fight other women over Tata. Later, the older Pumpkin appreciates Gloria's perspective that discourages women to fight each other because of a man.

[90] E Banda-Aaku *Patchwork* (2011) 63.
[91] E Banda-Aaku *Patchwork* (2011) 77.
[92] E Banda-Aaku *Patchwork* (2011) 27.
[93] E Banda-Aaku *Patchwork* (2011) 92.
[94] E Banda-Aaku *Patchwork* (2011) 75.

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In Part 2 of the novel, Pumpkin is married with two children, a son, Junior and Mufuka, a daughter. In addition, she is thirty-one and works as a successful architect.[95] Pumpkin suffers the same insecurities she did when she was young as she mistakenly suspects Tembo, her husband of cheating in their marriage with Salome a, hairdresser that Pumpkin assaults. Tembo confronts Pumpkin about her habitual lying. In that confrontation, a frustrate Tembo indicates that Pumpkin fails to bond with their children after all that was the reason she stops working. An upset Tembo throws at Pumpkin; 'You can't make me what I'm not. I won't womanise, or date girls young enough to be my daughters, or have children outside my marriage. I'm not your father.'[96] Tembo confirms the root of Pumpkin's problems as her dear father.

Banda-Aaku employs the flashback technique to relate moments of Pumpkin's life when her father sends her to Leicester, England for university education. Overseas, Pumpkin engages to marry twice to Stuart from Scotland and to Kunle from Nigeria. Pumpkin has problems with how her future mothers in laws perceive her.[97] Stuart's mother despises her colour, displays her social ignorance when she refers to Africa as 'a place with all the fighting and Aids?'[98] Not only did Kunle's mother dislike that Pumpkin was from Southern Africa but also that that part of Africa did not practise male circumcision. Both marriage engagements fail which leads Pumpkin's father to ask why she obsesses with the idea of marriage. On her flight back to Zambia, Pumpkin meets Tembo who later becomes her long-suffering husband in Part two of the novel.

The older Pumpkin narrates more on Grandma Ponga's life such as the loss of her sons to alcohol and *chamba* (marijuana) all within a year.[99] Pumpkin, further explains that her grandmother copes with those deaths because her friends were also losing their children at the same rate. On the other hand, Pumpkin details the strain of her grandmother's relationship with her daughter, Pumpkin's mother. However, her daughter's illness rouses Grandma Ponga to help such as seeking traditional healers who could cure her 'rash and weight loss'. Later, Pumpkin learns that her mother and Uncle Oscar have Aids; consequently, they take Anti-retroviral tablets.

[95] E Banda-Aaku *Patchwork* (2011) 137.
[96] E Banda-Aaku *Patchwork* (2011) 148.
[97] E Banda-Aaku *Patchwork* (2011) 145-146.
[98] E Banda-Aaku *Patchwork* (2011) 145.
[99] E Banda-Aaku *Patchwork* (2011) 149.

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It was on one such adventure to seek help for her mother from traditional healers that Pumpkin reunites with her childhood friend Bee. Bee is married to a white man and lives in Switzerland with their two sons. However, before that, Bee's mother divulges to Pumpkin and her family when they had come for a consultation that Bee has a child with Mwanza.[100] The news devastates Pumpkin. This implies that Mwanza raped both BaDodo and Bee, her childhood friends.

The story shifts to Pumpkin's father who is running for the presidency.[101] Pumpkin canvasses vote for her father. Pumpkin's mother supports Tata's aspirations for presidency, Grandma Ponga out rightly says he would lose. During that election campaign trail, Pumpkin receives a summons for assaulting Salome. It is to her father she turns to get rid of the Salome problem and the summons. JS loses the elections. Two main explanations for that loss are Tata as a Luvale and his poor relationships with women. Two days after the election, Tata dies together with Salome in a car accident.

At the core of the story is loss, Pumpkin loses Sissy when she moves back to independent Zimbabwe, Gloria dies of a stroke, Salome the lady that Pumpkin assaults dies too and her body is left just there. Tata's death frees Pumpkin from his stronghold. Pumpkin concludes after the tombstone unveiling ceremony: "My mind starts ticking, but I stop it. I'm not going there. I loved Tata and I'll miss him, but I can't patch up his mistakes. It is his life and his messed-up patchwork."[102] This declaration is significant, as throughout her life Pumpkin had never considers her father to be at fault. This declaration not only liberates her but also liberates Mama T whom she starts building a relationship after the death of her father.

Analysis of Patchwork

The story is set in mainly the city of Lusaka in 1978 and the farm in the outskirts of Lusaka where JS moves Pumpkin to after he finds her mother Totela tipsy. In addition, part of the story takes place in Newtown, which is home to Grandma Ponga. Parts of *Patchwork*, present a flashback to the time Pumpkin is in Europe for her studies. Those flashes help readers understand the lived experiences of Pumpkin as she navigates life. According to Cheela H Chilala who examines the Adamic licence in *Patchwork* explains that Tudu court, the farm and Newtown location gives a glimpse of a 'mosaic, albeit fictionalised 1978

[100] E Banda-Aaku *Patchwork* (2011) 159.
[101] E Banda-Aaku *Patchwork* (2011) 169.
[102] E Banda-Aaku *Patchwork* (2011) 16.

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Lusaka and to some extent of the later years.'[103] In other words, the three sites represent what most Zambians strive for at independence; middle-class kind of life or a farm with desirable much land. The reality is most people have to settle for the Newtown kind of life.

Tudu Court reflects the middle-class nature of the people resident in that building.[104] Chilala explains that the name "Tudu" has no relevance to Zambia.[105] Pumpkin gives a full description of Tudu Court modern flats that reflect the major inroads that independent Zambia takes to bring more houses for Africans in the city. Sardanis points out that soon after independence as the British civil servants moved out of the positions they once occupied, they were a huge influx of Africans into the cities in search of jobs at large mining companies subsequent in high demand for housing and offices.[106] In my opinion, Tudu Court represents the flourishing Zambia, the Zambia that is resolute to provide high standard accommodation to its people.

However, Tudu court has a dark side for the women and girls in it. Tudu is a place that represents the brokenness of Totela and the confusion in Pumpkin. Tudor is an obscure crime scene. In addition, it is also chaotic and restless. Tudu Court is the scene of the rape of BaDodo and Bee by Mwanza. Tudu Court is the place that witnesses the death of BaDodo from an illegal abortion.

Another addition to the setting is *Sibanda's Grocery and Bottle Store* that seems to be a walking distance from Tudu court as young Pumpkin walks there to buy alcohol for her mother. Chilala validates Sibanda as a Zimbabwean Ndebele surname, which again reflects the close historical links that Zambia and Zimbabwe has.[107] During this time, Southern Rhodesia is under colonial rule as Pumpkin narrates that there was a Zimbabwe African People's Union (ZAPU) freedom fighter camp on the outskirts of Lusaka.[108] The grocery store not only is the place that Pumpkin realises the abusive nature of Sibanda but also it has

[103] CH Chilala 'The Adamic licence in Ellen Banda-Aaku's *Patchwork*' in O Nyambi and others (eds) *The Postcolonial Condition of Names and Naming Practices in Southern Africa* (2016)155 at 160.
[104] CH Chilala 'The Adamic licence in Ellen Banda-Aaku's Patchwork' in O Nyambi and others (eds) *The Postcolonial Condition of Names and Naming Practices in Southern Africa* 155 at 160.
[105] CH Chilala 'The Adamic licence in Ellen Banda-Aaku's Patchwork' in O Nyambi and others (eds) *The Postcolonial Condition of Names and Naming Practices in Southern Africa* 155 at 160.
[106] A Sardanis Zambia *the first 50 years* (2104) 23.
[107] CH Chilala 'The Adamic licence in Ellen Banda-Aaku's Patchwork' in O Nyambi and others (eds) *The Postcolonial Condition of Names and Naming Practices in Southern Africa* 155 at 160.
[108] ZAPU, formed in 1957 was Southern Rhodesia first African liberation movement that sought independence from colonial rule. See 'Who we are' https://www.zapu.org/index.php/page/about-us (Accessed 15 February 2020).

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a picture of a family unit that Pumpkin craves. Pumpkin confesses that as much as she tries to associate the family in the picture with her, she could not hold that picture for long.[109] The store that has the paedophile is the same store that holds the image of a family that Pumpkin craves dearly.

In the store, there is a poster of the perfect family advertising Blue Cream hair a mother, a father and a daughter.[110] What Pumpkin at nine did not realise was the irony of the advert. The family on the poster could have been different individuals thrown together to sell a product, therefore far from reality. On the other hand, that picture foreshadows her move to the farm with the family of her father. The half-brothers and stepmother to Pumpkin are strangers to her but somehow, they would have to make a family. Even more reminiscent of the picture in Sibanda's grocery is the Indian photographer, Mr Prakash who comes to take pictures of Pumpkin with her new family. In the last picture, Mr Prakash sits Pumpkin between Mama T and Tata.[111] Pumpkin gets her family picture as the one in Sibanda's store but without her mother. Just like the picture in the store, there is little reality to her new family.

New Town is a paradox. It is home to Grandma Ponga. Pumpkin is upset at the name New Town because it is far from new. New Town, despite the overcrowd, old houses and all sorts of ruction in it, becomes a haven for Pumpkin whose mother brings her due to Rhodesian forces hunting for ZAPU liberation fighters. According to Chilala, New Town is reminiscent of a high density and low-class suburb.[112] Pumpkin elucidates that Grandma Ponga has lived in New Town for many years and operates a tavern in her home. I deduce that New Town is colonial era town as the quality and overcrowd is synonymous with British colonial African town plan. This is in line with colonial town planning where Africans live in full places that are close to the city or areas of employment of their white bosses. Pumpkin mentions the prevalence of thieves, drunkards and prostitutes in New Town but still, her grandmother calls the place home. Grandma Ponga maintains her tavern in that area whose proceeds she used to school her children to university level. Grandma Ponga and New Town is representative of the old Zambia attempt to survive in the new Zambia.

[109] E Banda-Aaku *Patchwork* (2011) 14.
[110] E Banda-Aaku *Patchwork* (2011) 14.
[111] E Banda-Aaku *Patchwork* (2011) 83.
[112] CH Chilala 'The Adamic licence in Ellen Banda-Aaku's Patchwork' in O Nyambi and others (eds) *The Postcolonial Condition of Names and Naming Practices in Southern Africa* (2016) 155 at 162.

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The farm becomes home to Pumpkin after her father visits Tudu Court and finds Totela drunk. JS immediately moves Pumpkin to his home at the farm. In addition, the farm is also home to Mama T and her sons. The coming of Pumpkin to the space that MamaT perceives as hers creates tensions between her and her husband. Furthermore, the farm is neighbouring the camp of Rhodesian liberation fighters. The farm is insecure space for Pumpkin but it is where her father is, whom she always wants close.

The plot of *Patchwork* centres on the heroine and narrator of her story Pumpkin. We first meet her as a nine-year-old living in Lusaka, Zambia with her single mother, Totela Ponga. The story involves the growth process of Pumpkin. She is born outside marriage. Therefore, her process of growth involves a journey of self-awareness in which she grows from self-denial and matures into a conscious being at the end of the story. Banda-Aaku employs flashbacks when Pumpkin thinks about her time in Britain. The idea of flashback disrupts the order of a typical *Bildungsroman*. The plot ceases to be linear. As I discuss in chapter 4, there is a reason to this disruption from postcolonial feminist view that indicate the life journey of African women.

Patchwork employs simple diction that is easy for the reader to understand. Banda-Aaku did not use any words outside of English, which makes an easy read. The simple diction reaffirms the nine-year-old voice of Pumpkin. The language remains the same with the older Pumpkin because she still has securities that stem from her childhood. However, readers see her grow from there slowly.

Pumpkin is the sole narrative voice of the story. However, she does not have an omniscient presence in the thoughts of everyone. It is hard to trust her in some areas of her descriptions. However, this reaffirms the instability and insecurities that mark Pumpkin. This feeds into the idea of the book as patchwork. That is bits and pieces of fabrics that are patched together to make a functional cloth. The life of Pumpkin resembles a patchwork.

The novel structure is in two parts. The first part is the nine-year-old Pumpkin while the second part is the thirty-one year old married and mother. The nine-year-old Pumpkin already behaves like an adult, however, the adult Pumpkin seems to have remained a nine-year-old. I do not see the purpose of the division of the story because the issues she has in her childhood such as insecurities and identity crisis continue into her adulthood.

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I discuss the female characters in *Patchwork* under Chapter 3 because that chapter answers what these characters reveal about the plight of African women. Characters more than enhance the story but also bring closer the realities of real people. However, Banda-Aaku utilises both round and flat characters. A round character is complex, with many surprising turns in its development.[113] Pumpkin is a round character. Readers rely on her narration to understand her. Despite that, she has many layers to her that keep unfolding. The design of flat characters is around a single idea or quality.[114] For example, the girl BaDodo who Mwanza rapes and impregnates dies from an illegal abortion. Readers easily identify flat characters whenever they appear in the story through their emotional perspective rather than the visual eye, which indicates a reoccurrence of a name.[115] In addition, in general, readers easily remember flat characters, as they less action in their lives. However, with Banda-Aaku although BaDodo appears as a flat character, she has a depth that provokes readers out of their comfort zone. The conversation that BaDodo has with Pumpkin reveals that she is a troubled but caring individual.

In *Patchwork*, all-male adult male characters have one default or another. In addition, this view is from Pumpkin who is probably an untrustworthy narrator especially concerning Tembo, her husband. Mwanza is a rapist and a paedophile. JS is a womaniser and an emotional abuser. Sibanda, the storeowner is a paedophile.

[113] JM Jasper and others *public characters: The politics of reputation and blame* (2020) 25.
[114] M Forster *Aspects of the novel* (1963) 75.
[115] MA Ferguson Images of women in literature (1977) 11.

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APPENDICE B: CHARLES DICKENS' *DAVID COPPERFIELD AND OLIVER TWIST* SUMMARIES

Summary of *David Copperfield*

The novel *David Copperfield,* accounts the life and times of the protagonist David Copperfield. David was born on a Friday at the stroke of midnight, which Victorian society considered a sign of bad luck. At his birth, David had already suffered the loss of his father six months before. His aunt, Miss Betsy or Miss Trott comes to stay with him and his mother. David goes with his nurse Peggotty, for a holiday to Yarmouth. On his coming back, David finds that his mother had married Mr Murdstone. The marriage upsets David as he feels it is a betrayal of his father. Mr Murdstone ill-treats David. He beats David hard with a cane for failing his schoolwork. Mr and Miss Murdstone decided David be sent to Salem House school and his mother agreed.

A harsh man, Mr Creakle administers Salem House School. A while later, David goes back home but quickly gets into trouble and his family sends him off to school. David marvels at the silence in the school; he was not aware other pupils were home for the holidays. David returns from school at summer only to find his new baby brother, and he is bewildered about the situation. He soon must leave again for school but is actually happy for his mother. Despite that, he and his mother had their differences; David discerns that he would see her no more. David receives the news of the death of his mother while at school. He takes her passing away with much sorrow and gloom.

After his mother's death, David at ten years old starts to work for a few shillings a week at Murdstone and Grinby's warehouse in London. He boards with Mr Micawber and his family with who he soon becomes close. Nevertheless, the Micawber leave London and David resolves to find his great aunt, Miss Betsy Trotwood, who lives at Dover.However, David loses his money to robbers and walks the entire journey to Miss Betsy.

Kind Miss Betsy is very sends David to an excellent school in Canterbury, where he boards with Mr Wickfield and his daughter Agnes. After leaving school, David articles to Spenlow and Jorkins firm in London. He meets Mr Spenlow's daughter, Dora who he becomes smitten with, nonetheless Mr Spenlow rejects him as a son-in-law. Miss Trotwood loses her money and comes to live in London. Hard work pays off for David and he becomes a successful reporter and writer. After the death of Mr Spenlow, David reconnects with Dora and marries her at the age of twenty-one in which time he becomes a successful writer. A year into his

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marriage, David experiences marital troubles nonetheless, his writing career flourishes further.

David before long expects a baby and he hopes that it will "make more of a woman" out of Dora, for she is a poor wife. Wretchedly, though, the baby dies soon after the birth. Shortly afterwards, David receives a letter, that urgently requires him to go to his aunt's house. At first, David thinks the letter had to do with sad news about Emily, his first love. However, to his relief Emily is alive. David overhears Emily recount to a woman how she disappears. Later, David loses his wife as Emily does her husband. However, David is too agitated to make his intentions known to Emily and leaves England for three years, during which time his books gain much popularity.

While away from England, David appreciates that he loves Agnes, but is convinced that she regards him as a brother. Upon his return home, David becomes aware that Emily still loves him and so they are marry. Miss Trotwood recovers her fortune and Uriah Heep the court jails on fraud charges. The Peggottys and Micawbers immigrate to Australia and live happily there. In the end, David finds fulfilment in his life aware that Agnes is always with him.

Summary of *Oliver Twist*

Oliver Twist is a *Bildungsroman* of a young orphan, Oliver, and his attempts to live an honourable life in a society that did not accept the poor. Oliver is born in a workhouse, to a mother unknown to anyone in the town. His mother dies right after she gives birth. The authorities send Oliver to an orphanage.

The orphanage poorly feeds and treats horrendously Oliver and the other orphans. At the age of nine authorities send Oliver to the workhouse, where again he and the others suffer ill treatment and hunger. Oliver loses a bet and has to ask for more food. On the appointed day, Oliver tenders the request for more food much to the outrage of Mr Bumble, the beadle, and the board. The board chooses to dispense with Oliver. The board apprentices him to an undertaker, Mr Sowerberry.

One of the assistants to Mr Sowerberry insults Oliver about his mother. Oliver retaliates and later receives beatings for his behaviour. Oliver bids his friend Dick farewell before he runs away. Oliver walks towards London. When he is close and exhausted, Oliver meets a boy called Jack Dawkins or the artful Dodger. The Dodger informs Oliver of a place he could stay

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and have food free. The Dodger takes Oliver to building in London where he meets Fagin the Jewish owner of the place. Fagin offers Oliver a place to stay.

Oliver, in due course realises that Fagin and the other boys were a gang of thieves. This realisation only comes after the police incriminate Oliver of stealing an old gentleman's handkerchief. The police arrest Oliver, but the bookseller intervenes on behalf of Oliver at court and relates the whole incident. Mr Brownlow, the victim of the crime empathises with Oliver, and takes him in.

While Oliver enjoys his new life with Mr Brownlow, Fagin and his gang worry that Oliver shares with the police their hideaway. Fagin commands his gang to watch out for Oliver. One day, when Mr. Brownlow sends Oliver to return some books to the bookseller for him, Nancy sees Oliver, and kidnaps him back to Fagin. Fagin compels Oliver to go on a housebreaking jaunt with the menacing Bill Sikes. At gun point Oliver enters the house, with the idea of waking up the occupants but before he does, one of the servants shoots at him. Once again, Sikes and his partner break away, desert Oliver.

The next morning Oliver makes it back to the house, where the kind owner, Mrs Maylie, and her beautiful niece Rose, decide to protect him from the police and nurse him back to health. Oliver slowly recovers, and is extremely happy and grateful to be with such kind and generous people, who in turn are ecstatic to find that Oliver is such a good-natured boy. After Oliver recovers, Mrs Maylie takes him to see Mr. Brownlow, but they learn that he is in the West Indies.

In the interim, one night Fagin and Monks attempt to take back Oliver but he raises alarm and they escape. Nancy finds out that Monks was a relative, a half-brother to Oliver who wants to keep the full inheritance that Oliver and Monks were to share. Nancy opts to share that information with Mrs Maylie who in turn tells Mr Brownlow. Mr Brownlow shares the news with the other guardians of Oliver who decide to meet Nancy for more information about Monks. A grey haired gentleman and a young lady meet Nancy on London Bridge at an agreed time. However, Fagin became suspicious of Nancy and sent his new boy, to watch Nancy. Nancy tells Rose and Mr Brownlow how to find Monks, but still refuses to betray Fagin and Sikes, or to go with them. Noah reports everything to Fagin, who tells Sikes who kills Nancy.

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Meanwhile, Mr Brownlow finds Monks, who confesses his plans and the origins of Oliver. *Oliver Twist* concludes with Sikes dead from accidental hanging while evading a mob arrest. The police arrest Fagin and the law executes him. Mr Brownlow adopts Oliver as his son. Oliver receives an inheritance. The Maylies end up living in peace and comfort in a small village in the English countryside.

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