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## A Bend in the Law & Literature: Greed, Anarchy, and Dictatorship in the African Worlds of V.S. Naipaul and Ngugi Wa Thiong'o

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# A Bend in the Law & Literature: Greed, Anarchy, and Dictatorship in the African Worlds of V.S. Naipaul and Ngugi Wa Thiong'o

DUSTIN A. ZACKS<sup>1</sup>

“People who had grown feeble had been physically destroyed. That, in Africa, was not new; it was the oldest law of the land.”

--V.S. Naipaul, *A Bend in the River*, 1979

“This world...this Kenya...this Africa knows only one law. You eat somebody or you are eaten. You sit on somebody or somebody sits on you.”

--Ngugi Wa Thiong'o, *Petals of Blood*, 1977

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## I. INTRODUCTION

Despite mainstream acceptance of his literary gifts embodied by his 2001 Nobel Prize in literature, V.S. Naipaul continues to engender negative responses for his depictions of the colonized and formerly colonized peoples of Africa and the Caribbean. He has been called nearly every pejorative by those within the academy: racist, sexist, and homophobe,<sup>2</sup> and some

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2. William H. Pritchard, *Naipaul's Written World*, 47 HUDSON REV. 587 (1995).

critics only see “bad faith, cynicism, and ‘hatchet-jobbing’ in his writing.”<sup>3</sup> Some of these attacks are due to the supposedly noxious descriptions of Africans in his novels that conform to Western prejudices;<sup>4</sup> others contend that he reflexively blames an “inherent . . . inferiority and primitiveness” of Third World peoples themselves as the source of Third World troubles, writing and acting “as a security blanket for those in the West who do not want to see how their exploitation of Third World countries has messed up those countries.”<sup>5</sup>

Notwithstanding such criticisms, Naipaul’s fiction is routinely cited as a prominent example of engagement with the “aftermath” of colony and empire in the twentieth century.<sup>6</sup> His struggle to identify himself within the colonial historical framework is much discussed in his writings, usually beginning with his description of an upbringing “at once exceedingly simple and exceedingly confused.”<sup>7</sup> Growing up an East Indian descendant of indentured laborers on the ethnically diverse island of Trinidad, a place “not strictly of South America, and not strictly of the Caribbean,” Naipaul studied in England and used historical sources to color in the darkness and lack of historical context he felt his upbringing left him with.<sup>8</sup> His eventual conclusion was that to be a colonial in the West Indies was to bear a “psychological loss of identity.”<sup>9</sup>

Yet Naipaul’s ruminations on the meaning of his identity within the colonial and postcolonial historical tides that he inhabited did not lead to sympathetic depictions of revolutionary independence movements: rather, critics suggest that Naipaul’s protagonists believe that their home is in Europe, or more particularly, London.<sup>10</sup> This viewpoint is accused of leading overly or one-sidedly negative responses to the fluid and developmental nascent postcolonial African states that he writes about:

Like many colonials of his age, he was educated in  
the Victorian liberal traditions that continued to

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3. Christopher Wise, *The Garden Trampled: Or, the Liquidation of African Culture in V.S. Naipaul’s A Bend in the River*, 23 C. LITERATURE 59 (Oct. 1996).

4. Kenneth W. Harrow, *An African Reading of Naipaul’s “A Bend in the River,”* 26 J. S. ASIAN LITERATURE 322, 326 (1991).

5. Peter Nazareth, *Among the Believers: An Islamic Journey by V.S. Naipaul (Review)*, 56 WORLD LITERATURE TODAY 742 (1982).

6. Vijay Seshadri, *Naipaul From the Other Side*, 22 THREEPENNY REV. 5 (Summer 1985).

7. V.S. Naipaul, *Two Worlds: Acceptance Speech*, 48 CARIBBEAN Q. 77, 78 (June-Sept. 2002).

8. *Id.* at 78, 80.

9. Michael Angrosino, *V.S. Naipaul and the Colonial Image*, 21 CARIBBEAN Q. 1, 2 (1975).

10. Harrow, *supra* note 4, at 325.

flourish in the British Empire long after they were superseded in Britain itself. This background informs almost all of his responses. He is utilitarian, empirical, agnostic; he likes science, city planning, and good plumbing systems.<sup>11</sup>

To put a finer point on the consequences of the euro-centric, or, more specifically, London-centric identity that Naipaul has forged, critics point to an almost “reactionary” view of the Third World, whereby depictions of a Western style nation-state as a utopian ideal are tempered by Africans’ and West Indians’ lack of ability to transcend race or color to form a national identity.<sup>12</sup> Despite the criticisms of his purportedly anachronistic views, even detractors admit the paramount importance of his body of work—both fiction and nonfiction—in depicting postcolonial states.<sup>13</sup> Indeed, they may “provide the most immediate experience of emerging nations that many readers in the West will ever have.”<sup>14</sup> With this understanding of Naipaul’s importance in depicting emerging or newly independent states, then, this Article will further pinpoint his examinations of legal structures and the rule of law as applied in postcolonial Africa in his fictional worlds of recently independent African countries—examinations that the law and literature movement has previously ignored.

On another side of fictional postcolonial narratives, one could scarcely point to an author encountering a more different perspective of historical colonial upheavals than Ngugi Wa Thiong’o. Kenya’s Thiong’o, known as East Africa’s “foremost novelist,” came of age during the Mau Mau insurgency that helped lead to Kenyan independence.<sup>15</sup> His older brother participated in the Mau Mau’s fight against British colonials.<sup>16</sup> After writing a play depicting Africans who supported the colonial regime as “becoming rich and powerful,” while those who fought the British remained poor, he was himself imprisoned by Kenyan authorities.<sup>17</sup> His literary success has

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11. Seshadri, *supra* note 6, at 5.

12. Baidik Bhattacharya, *Naipaul’s New World: Postcolonial Modernity and the Enigma of Belated Space*, 39 *NOVEL* 245, 247 (2006).

13. Angrosino, *supra* note 9, at 5.

14. Seshadri, *supra* note 6, at 5.

15. Kevin Conboy, *Detention in Kenya*, 8 *GA. J. INT’L. & COMP. L.* 441, 449 (1978); Angela Downing, *Language and Theme in the Novels of James Ngugi (Ngugi Wa Thiong’o)*, 2 *ATLANTIS* 74, 75 (1981).

16. Christine Loflin, *Ngũgĩ wa Thiong’o’s Visions of Africa*, 26 *RES. IN AFR. LITERATURES* 76, 77 (1995).

17. Conboy, *supra* note 15, at 449.

“established himself as one of the leading second-generation African writers.”<sup>18</sup>

One commentator remarked upon the importance of Thiong’o’s voice in African fiction, particularly as it relates to Kenya:

Ngugi’s is the first fictional account of these historical events in Kenya by an African Anglophone writer and as such, literary merit apart, it would be of social and historical value, as well as being a healthy corrective to an exclusively white viewpoint.<sup>19</sup>

Given the primacy of Thiong’o’s encounters with colonial and post-colonial regimes, then, it is unsurprising that he has not faced Naipaul-esque critiques of his unflattering depictions of a newly independent Kenya. Accordingly, despite his direct accusations to, and ridicule of, the ruling class in Kenya, as well as his criticism of a Kenyan society loath to stand up and fight an existing order, academic and literary criticism of his work is largely devoid of the accusatory tones that mar Naipaul’s work in certain circles. Naipaul, while originally a “colonial” himself, having grown up in the waning British Empire in the West Indies, writes fundamentally with Western eyes, whereas Thiong’o’s criticisms come from within Africa itself.

Yet for all the scorn directed towards Naipaul’s alleged racist undertones, his classically arrogant colonial opinions, and his pessimism towards the idea of African self-rule, Naipaul’s and Thiong’o’s novels examined in this Article—primarily set in the aftermath of African nation-states’ independence—portray remarkably similar legal structures and frameworks. In particular, their harsh depictions of figures of authority and of the application of the rule of law as it relates to average citizens in newly independent African states are unexpectedly parallel. Both writers create a dystopian world of postcolonial anarchy and greed, where protection of the rule of law is available only to a few, and where police and state figures only mindlessly serve authority. And, just as importantly, both authors’ novels comport with academic analysis of postcolonial African states in which “corruption has undermined the effective implementation of the rule of law.”<sup>20</sup>

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18. Josef Gugler, *How Ngũgĩ wa Thiong’o Shifted from Class Analysis to a Neo-Colonialist Perspective*, 32 J. MOD. AFR. STUD. 329, 329 (1994).

19. Downing, *supra* note 15, at 75.

20. Emmanuel O. Iheukwumere & Chukwuemeka A. Iheukwumere, *Colonial Rapacity and Political Corruption: Roots of African Underdevelopment and Misery*, 3 CHI. KENT J. INT’L. & COMP. L. 4 (2003).

Thiong'o's mechanical policemen do not question the powers that be: a policeman "served the colonial regime with the same relentless unsparing energy that he did an independent African government, and he would serve as faithfully whatever would follow," while those detained by him wonder how the police "could not feel the subterranean currents of unrest in the country[.]"<sup>21</sup> Similarly, the unthinking soldiers depicted by Naipaul telegraph their reflexive posture of deference towards anyone asserting authority, even when that deference is directed towards a nervous petty government officer during a time of unrest in which it is not clear whether the feuding president or king is in power: "'I'm a government officer,' Bobby said. 'Sir!' one of the solders said, and they all stood to attention."<sup>22</sup> Such representations of the agents of law and the state as automatous, therefore, imply both authors' skeptical view towards authorities in emerging African states.

The only law in Naipaul and Thiong'o's newly independent African states is that power trumps all other considerations. The unnamed Naipaulian dictator in his novel, *A Bend in the River*, is told early on in his career that he would be better off becoming a soldier than a lawyer:

You might say to me, 'But isn't it better for me to be a lawyer and be called *maitre*?' I will say, 'No. It is better for you to be a private and call the sergeant sir.'<sup>23</sup>

Likewise, the lawyer in Thiong'o's *Petals of Blood*, one of the few morally decent socioeconomically upper-class characters in the novel, helps the powerless group of main characters detained and tried in Kenyan courts, only to eventually be murdered, assumedly for his daring to take positions contrary to those with authority.<sup>24</sup>

This comparison, and the more detailed examination of the authors' similarities that follows in Parts I and II of this Article, should spur a reexamination of the traditional attacks on Naipaul's gloomy portrayals of post-colonial African states as examples of a racist view towards "primitive" Africans. Rather, it seems that Naipaul's portrayals reflect his apparent pessimism that any meaningful indigenous movement can be generated in the Third World and his viewpoint that African lawmakers and other recent postcolonials will simply imitate Europeans, as in the case of his narrator in *In a Free State*, who contemptuously remarks upon the recently deposed African King: "All that Oxford accent and London talk. I thought it was an

21. NGUGI WA THIONG'O, *PETALS OF BLOOD* 42-43 (E.P. Dutton ed., 1978).

22. V.S. NAIPAUL, *IN A FREE STATE* 237 (Alfred A. Knopf ed., 1971).

23. V.S. NAIPAUL, *A BEND IN THE RIVER* 133 (Alfred A. Knopf ed., 1979).

24. *PETALS OF BLOOD*, *supra* note 21, at 297.

act.”<sup>25</sup> In many ways, his pessimism has been corroborated by postcolonial African leaders who have indeed imitated the brutally divisive and corrupt styles of leadership they inherited.<sup>26</sup>

This Article does not contend, however, that the two authors always illustrate parallel worlds. Naipaul does differ from Thiong’o’s vision of legal frameworks and the relation between figures of authority and individuals in several respects. As mentioned, for example, in his outlook on troubled postcolonial Africa, Naipaul expresses an utterly cynical viewpoint that only decay will follow from African self-rule, painting a portrait of “black men assuming the lies of white men.”<sup>27</sup> Thiong’o renders equally unflinching portrayals of a young Kenyan state crippled by kleptocracy in which political races are only entered for self-enrichment and in which political opponents are defeated by being bribed not to run, by sending youth wingers to break other opponents’ legs, or by simple vote buying.<sup>28</sup> Yet in stark contrast to Naipaul, Thiong’o and his characters articulate a more hopeful vision in which popular uprisings, revolutionary action, and a return to more traditional African communal norms can prevent the perpetuation of future injustices and depravity. As one of Thiong’o’s characters explains:

In my heart I reasoned this way: In the past, before imperialism, we had a system of age-groups, of extended families, of sub-clans and clans. In those days we had many types of people’s organization . . . in English, *African socialism*.<sup>29</sup>

Further, Thiong’o’s impassioned and personal impressions of interactions with colonial authorities and the arbitrary nature of justice imposed on the colonized contrast greatly with Naipaul’s generally distant and restrained description of life under colonial rule, as will be examined in greater detail in Part III.

Despite these differences, the thrust of the analysis of this Article is to examine the myriad of ways in which Naipaul and Thiong’o are unexpectedly similar in depicting emerging postcolonial African states in which fair application of the law for the lower strata of society is arbitrary, and in which authority figures serve only the wealthiest and most prosperous members of society. Naipaul’s African officials step up arrests and deten-

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25. IN A FREE STATE, *supra* note 22, at 16.

26. Iheukwumere, *supra* note 20, at 21 (“The expectations of the people for a better life after many African countries gained independence in the 1950s and 1960s were quickly replaced with sectional violence, and the rise of military dictatorships.”).

27. IN A FREE STATE, *supra* note 22, at 16.

28. NGUGI WA THIONG’O, DEVIL ON THE CROSS 115 (Heinemann 1987).

29. *Id.* at 67.

tions “for no reason at all,” at the behest of a dictator who lets his country know that “what the Big Man gives the Big Man can take away,” just as Thiong’o’s policemen arrest, beat, and kill those who challenge Kenya’s ruling class.<sup>30</sup> These similarities, in turn, should serve to fuel a reconsideration of whether Naipaul’s assessments of independent African states and their anarchic application of laws are truly spurred by a specifically anti-African viewpoint, given that his views so closely match those of an authentic African voice like Thiong’o, and given that his dire descriptions cohere with academic analysis of the troubles postcolonial Africa has faced.<sup>31</sup>

Part II of this Article examines the myriad of similarities between the two authors in their depictions of the arbitrary nature of the rule of law and the repression of basic legal rights in postcolonial African states. Part III examines their similar portrayals of figures of legal authority. Part IV proceeds to discuss the differences in their descriptions of colonial rule, and Part V describes their contradictory outlooks for change. Part VI concludes.

## II. WHAT RULE OF LAW?

Naipaul and Thiong’o’s postcolonial novels express a gritty and cynical vision of the status of the rule of law and of states’ interactions with common citizens. It is a world in which ordinary people cannot hope to seek redress for the ills that befall them and in which laws are enforced arbitrarily and prejudicially at the behest of the powerful. Their portrayals echo academic analysis of corruption in post-colonial Africa in which, it is argued, graft has impeded the fair application of justice and has contributed to unequal treatment of citizens across the continent.<sup>32</sup>

Thiong’o paints a bleak picture of freedom and the right of self-expression. The core group of main characters in *Devil on the Cross* begin the novel making a long journey from Nairobi to a town where they are to witness a “Devil’s Feast,” in which a competition is to be held to determine who is the biggest thief, with prizes consisting of “bank loans and directorships.”<sup>33</sup> While traveling to the feast, Thiong’o’s characters reveal their back-stories and discuss philosophy, and the following sardonic exchange takes place:

Gatuiria lowered his voice: “*Please*, permit me to ask a question!”

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30. A BEND IN THE RIVER, *supra* note 23, at 208, 257; DEVIL ON THE CROSS, *supra* note 28, at 68, 76.

31. See e.g., Iheukwumere, *supra* note 20.

32. *Id.* at 2-3.

33. DEVIL ON THE CROSS, *supra* note 28, at 76.



Gatuiria hesitated, like a man burning to get to the kernel of an important matter but uncertain about where to begin.

“Go ahead, ask!” Mwaura encouraged him. “No one’s jailed for asking questions!”

“Ah, but in the Kenya of today?” Muturi muttered.

“Don’t worry,” Mwaura encouraged Gatuiria. “When you are inside Mwaura’s Matatu Matata Matamu Model T Ford, you are in the heartland of democracy!”

“Oh, yes, there you are right,” Wangari supported him. “*Matatus* are the only places left where people can discuss things freely. In a *matatu* you can speak your thoughts without first looking over your shoulder to see who is listening.”<sup>34</sup>

Thiong’o’s scathing depiction of the suppression of the rights of expression and free speech is anchored by a vision of society where those with money are the sole arbiters of democracy, where lawmakers and those with power believe that “theft and robbery are the only true foundation of modern progress and development” and that the true democratic principle is that “he who is able to grab should be allowed to grab.”<sup>35</sup> This vision of a postcolonial Kenya as a repressed and de facto kleptocracy is a close relative to Naipaul’s portrayal of the anarchy and repression that the city by the bend in the river devolves into after an uprising and nationalization, in which the narrator reveals that the expatriate merchant community simply attempted “keeping our heads down,” much as the common Kenyans in the *matatu* revealed that asking questions could be dangerous.<sup>36</sup>

Thiong’o’s symbolic representation of the Kenyan post-colonial state as a corrupt and lawless Devil’s Feast of thieves is mirrored by Naipaul’s depictions of the effects of the legislative acts ordered at the whims of the dictator, the “Big Man,” on the narrator, Salim:

The President had sprung another of his surprises, and this surprise concerned us. I—and others like me—had been nationalized. Our businesses had

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34. *Id.* at 55-56.

35. *Id.* at 80.

36. A BEND IN THE RIVER, *supra* note 23, at 116.

ceased to be ours, by decree, and were being given out by the President to new owners.<sup>37</sup>

One would have trouble, therefore, in significantly distinguishing Naipaul's vision of an African state's rule of law as being propagated at the whims of a single dictator, on the one hand, and Thiong'o's vision of Kenya as being ruled by "national robbers, national thieves" eager to satisfy their Western "friends" to enrich themselves.<sup>38</sup> Just as politicians in Kenya are portrayed by Thiong'o as seeking parliamentary seats simply to become rich, the organs of the state in Naipaul's unnamed African country are consistently abusing their authority for money: the unexplained arrest which, Salim is told, "is going to cost you three or four thousand dollars"; the persecution by customs officials, which it is explained, was "harassment, and the purpose was money, and money fast, before everything changed."<sup>39</sup>

And with all of the similarities between Naipaul's and Thiong'o's visions of corrupt postcolonial African governments where elected officials try to begin recouping campaign funds spent before even being elected<sup>40</sup> and where bureaucrats "always prove you wrong, until you paid up,"<sup>41</sup> perhaps none is more striking than their consistent reinforcement of the idea that the rule of law in these postcolonial African worlds is an arbitrary proposition, randomly applied at the whims of those in power, and is therefore ever so much more frightening.<sup>42</sup>

Naipaul's narrator is told, "We are taking a number of people into preventative detention . . . . You will stay in until the President leaves. You might decide then that you have the money."<sup>43</sup> The only law being enforced is the greed of an official extending his power over Naipaul's narrator under a false pretext of "preventative" arrest.<sup>44</sup> In just as random a fashion, criminal charges against Thiong'o's protagonists—protestors against the existing order—are dropped:

[A] note was handed to the prosecutor. The prosecutor read the note, then he walked up to the bench and whispered something in the judge's ear. The

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37. *Id.* at 254.

38. *DEVIL ON THE CROSS*, *supra* note 28, at 171, 174.

39. *A BEND IN THE RIVER*, *supra* note 23, at 265, 209.

40. *DEVIL ON THE CROSS*, *supra* note 28, at 115.

41. *A BEND IN THE RIVER*, *supra* note 23, at 58.

42. *See A BEND IN THE RIVER*, *supra* note 23 (noting that what the dictator gives he can take away).

43. *Id.* at 266.

44. *Id.*

judge immediately announced that the charges against the accused had been withdrawn.<sup>45</sup>

The air of mystery left over the indiscriminate and unexplained dismissal of legal proceedings gives the impression that the manner in which law is applied in Kenya is opaque.

In addition to arbitrary application of the law at the whims of those with power, Naipaul's and Thiong'o's characters experience encounters that suggest a complete lack of a right to legal counsel or redress. Stopping at a roadblock during a time of internal upheaval in an unnamed African state, Naipaul's *In a Free State* depicts white government administrative officer Bobby choosing to get out of his car and ask for permission to pass, rather than simply driving on.<sup>46</sup> Bobby immediately "knew he had made a mistake."<sup>47</sup> Rather impishly, he asks the soldiers who their "boss-man" is, and is beaten for his trouble.<sup>48</sup> We are not told why he is beaten, nor is Bobby.<sup>49</sup> No discussion of possible recourse or consequences is bothered with; Bobby's exclamations of "I report you!" ring hollow and futile.<sup>50</sup> That arbitrariness is matched by the detention of Salim, "for no reason at all," in which "he was taken to police headquarters, fingerprinted," and detained.<sup>51</sup>

Similarly, Thiong'o's three main characters in *Petals of Blood*, suspected of being involved in a murder of prominent and wealthy powerbrokers, are detained for days without due process, without explanation, without charges, and while enduring physical punishment to varying degrees.<sup>52</sup> The reader is given the impression that the detained will not be released until the police are satisfied that one of them is the killer. "I am tired. I've been kept here for I don't know how long, answering the same stupid questions," remarks one detainee.<sup>53</sup> While the curtain is indeed drawn over the detentions once one of the main characters confesses to the murders, Thiong'o's description of all three suspects relates the futility of challenging such an arbitrary and lengthy arrest and detention. One does not even imagine, from Thiong'o's narrative, that the two unjustly detained suspects would ever bother to seek redress or that they believe in a right to not be incarcerated without charges being brought. Indeed, one detainee asks to be released on the ninth day of his detention, only to be told:

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45. DEVIL ON THE CROSS, *supra* note 28, at 231.

46. IN A FREE STATE, *supra* note 22.

47. *Id.*

48. A BEND IN THE RIVER, *supra* note 23, at 58.

49. *Id.*

50. IN A FREE STATE, *supra* note 22, at 231.

51. A BEND IN THE RIVER, *supra* note 23, at 208.

52. PETALS OF BLOOD, *supra* note 21, at 308-09, 342.

53. *Id.* at 308.

But you are not in prison, Mr. Munira. . . . Be reasonable now, Mr. Munira. Here you have a cell, well, a room to yourself. You have an open courtyard. You can walk about or sleep or write. Nobody interferes with you. Look at the other side of this partition. All those newly arrested, all those remanded are put there. They share cells, sometimes four or five or ten in one cell.<sup>54</sup>

It is as if Thiong'o is suggesting that one cannot even expect acknowledgment of an extended detention without trial—that the best one can hope for in postcolonial Kenya is to be placed in a roomy cell.<sup>55</sup> This sort of hopelessness in the midst of encounters with the law and organs of the state is consistent throughout the postcolonial African fiction of both Naipaul and Thiong'o.

The law in Naipaul's and Thiong'o's young African states, then, is seen as an arbitrary force imposed on ordinary people at the whims of those in authority, with little regard for freedom of expression, the right to not be detained without charge, or a right of redress when wronged by state actors. Naipaul's dystopian view of postcolonial Africa is not unique to his Western eyes; it comports nearly completely with Thiong'o's paintings of Kenya. Not only that, but both authors accurately depict the harsh realities of arbitrary justice that has been the scourge of independent African states and that has echoed the old colonial order where brute force was the law.<sup>56</sup>

### III. THE ENFORCERS OF THE "LAW"

Aside from their overview of the application of law as it relates to ordinary people, Naipaul and Thiong'o each further exemplify the arbitrariness of the power wielded in emerging African states they explore in their depictions of figures of authority and representatives of officialdom. Critics often point to Naipaul's descriptions of Africans as problematic and troubling, alleging that the Africans in his works display a "dark menace" that fascinates but also engenders "fear and hatred,"<sup>57</sup> and that his "Big Man" character in *A Bend in the River* is a caricature of Zaire's Mobutu Sese Seko.<sup>58</sup> Yet, here too we can see that Naipaul's literal and symbolic representations of figures of authority, representing a corruptness in the law of the land, are not significantly distinct from the portrayals given by Thi-

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54. *Id.* at 192.

55. *Id.*

56. Iheukwumere, *supra* note 20, at 19.

57. Harrow, *supra* note 4, at 334.

58. Wise, *supra* note 3, at 65.

ong'o. And, just as importantly, both authors' descriptions color in the realities of the effects an absurdly corrupt leader or elite class has as their power and example of corruption trickles down to the state's interactions with common people.<sup>59</sup>

Naipaul's African police officers, officials, and other representatives of the law of the land are often corpulent. At one roadblock, Bobby's companion in *In a Free State* remarks that "you can tell that the boss is the fat one, with the plain and fancy clothes."<sup>60</sup> African soldiers seen training "had grown fat and round-armed on the army diet."<sup>61</sup> Likewise, the beating Bobby suffers is at the hands of "the fat soldier, grunting as he squatted, tight in his khaki . . . ."<sup>62</sup> These consistent descriptions of fat Africans, in some minds, may call to mind the critical readings of Naipaul that suggest racialist or arrogant overtones.

Yet if given a more symbolic interpretation, these illustrations of fat figures of authority could be an attempt to call to the mind of the reader the gluttonous nature of corrupt officials. This reading of Naipaul's descriptions finds echoes in Thiong'o's work: one of the competitors for the title of biggest thief at the Devil's Feast "had a belly that protruded so far that it would have touched the ground had it not been supported by the braces that held up his trousers."<sup>63</sup>

Likewise, the master of ceremonies at the competition "had a well-fed body: his cheeks were round, like two melons; his eyes were big and red, like two plums; and his neck was huge, like the stem of a baobab tree. His stomach was only slightly larger than his neck."<sup>64</sup> Given such strikingly similar depictions of police and officials, it is difficult to make the argument that Naipaul's representations connote racial overtones. Rather, it is far more likely that sketching police or army members or customs officials as flabby is a convenient way to call to mind the sloppy and gluttonous behavior of those same officials.

Expanding upon these themes, Thiong'o and Naipaul both create an African vision in which police and the army are not neutral arbiters of some just order; rather, both see the police as active participants in the unjust nature of their societies' laws. For Thiong'o, police act merely to enforce the existing economic order—an employer seeking to break a strike shows up "accompanied by policem[e]n armed with guns and batons and iron

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59. See generally Iheukwumere, *supra* note 20, at 23-48 (presenting stirring research and documentation on various uber-corrupt African despots).

60. Wise, *supra* note 3, at 65.

61. *IN A FREE STATE*, *supra* note 22, at 172.

62. *Id.* at 232.

63. *PETALS OF BLOOD*, *supra* note 28, at 99.

64. *Id.* at 87.

shields.”<sup>65</sup> A lead character informs on the thieves at the Devil’s Feast and is herself arrested, upon which a friend remarks, “Wangari made the mistake of going to look for her lost sheep with the henchmen of the thief who had stolen it.”<sup>66</sup> Thiong’o’s utterly loathsome view of the police is neatly summed up by one of his characters in *Devil on the Cross*:

As a worker, I know very well that the forces of law and order are on the side of those who rob the workers of the products of their sweat, of those who steal food and land from the peasants. The peace and the order and the stability they defend with armoured cars is the peace and the order and the stability of the rich, who feast on bread and wine snatched from the mouths of the poor . . . Have you ever seen employers being attacked by the armed forces for refusing to increase the salaries of their workers?<sup>67</sup>

Likewise, Naipaul sees police, the army, and representations of authorities backed by the force of law as exploitative and greedy:

[The army men] didn’t see, these young men, that there was anything to build in their country. As far as they were concerned, it was all there already. They had only to take. They believed that, by being what they were, they had earned the right to take; and the higher the officer, the greater the crookedness—if that word had any meaning.<sup>68</sup>

At the very least, the officialdom of Naipaul’s African world is inhabited by redundancies and inefficiencies: “There were many more officials nowadays . . . not always with clear duties.”<sup>69</sup>

In yet another area, then, one might be surprised that Thiong’o’s visions of African symbols and representatives of the law match up fairly neatly with the supposedly “pernicious” Naipaul.<sup>70</sup> But in both of their postcolonial African universes, parallel images of “fat” and “well-fed” army, policemen, and elites abound, suggesting symbolic representations of

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65. *Id.* at 72.

66. *Id.* at 195.

67. *Id.* at 204.

68. A BEND IN THE RIVER, *supra* note 23, at 91.

69. *Id.* at 159.

70. Harrow, *supra* note 4, at 322.

rapacious authorities in newly emerging African states.<sup>71</sup> Likewise, these enforcers are portrayed in both authors' accounts as representing only the powerful and wealthy. On these points, Naipaul's critics cannot show a uniquely Western prejudice towards the authorities of the law in young, independent African states, especially in the face of the historical realities of dictators who employ their police and soldiers to kill political opponents with impunity.<sup>72</sup>

#### IV. THE AFRICAN AND THE COLONIAL; THE PERSONAL AND THE IMPERSONAL

Despite the evident similarities between the two authors' depictions of the arbitrary nature of the rule of law and the corrupt state of law in their African novels, the two diverge at several notable points. Firstly, Thiong'o and Naipaul clearly disagree about the possibility of a return to a more just and equal precolonial African society. It is at this first point that Naipaul critics might find ripe pickings for their theories on his allegedly derogatory opinions of Africans themselves, having been accused of believing blacks to be "fanatics, zealots, and irrational."<sup>73</sup>

Naipaul's narrators and characters do not believe in an idyllic African past that will lead the postcolonial Africans out of a despotic and corrupt present. As one commentator has remarked, "Naipaul often ridicules as misguided those who attempt to recuperate the lost splendors of the pre-colonial [sic] past."<sup>74</sup> Discussing an African acquaintance's view of himself as "a new man of Africa, and important for that reason," Salim in *A Bend in the River* admits that "the idea of his importance . . . [i]t unsettled me . . . . When you get away from the chiefs and the politicians there is a simple democracy about Africa: everyone is a villager."<sup>75</sup> Instead of looking to a precolonial African heritage, Salim points to the more immediate legacy of colonialism and the rules and system it imposed: "There had been order once, but that order had had its own dishonesties and cruelties."<sup>76</sup> His only historical sense had been learned "from books written by Europeans."<sup>77</sup> This brief and reserved contemplation of the colonial order suggests a frame of mind relatively distant from the historical reality of the colonial

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71. IN A FREE STATE, *supra* note 22, at 172; DEVIL ON THE CROSS, *supra* note 28, at 87.

72. Iheukwumere, *supra* note 20, at 24.

73. Harrow, *supra* note 4, at 326.

74. Wise, *supra* note 3, at 62.

75. A BEND IN THE RIVER, *supra* note 23, at 48.

76. *Id.* at 58.

77. *Id.* at 11.

Belgian “reign of terror” in the Congo, replete with slave labor and murder by colonials upon the slightest pretext.<sup>78</sup>

More disturbing to Salim is the chaotic destruction of the previous colonial order, the “unnerving . . . depth of that African rage, the wish to destroy, regardless of the consequences.”<sup>79</sup> One does not therefore walk away from Naipaul’s African novels with a vision that a return to a more authentically “African” way of life, however defined, would lead to a more robust state of law and order.

Quite on the opposite end of the spectrum, Thiong’o consistently remarks about the need to reconnect with precolonial African heritage, to take back the legacy of a more just society that was stolen. “Look at the towns we have built with our hands: Mombasa, Nairobi, Nakuru . . . . If the fruits of that co-operation had not been grabbed by the clan of parasites, where do you think that we, the clan of producers, would be today?”<sup>80</sup> Thiong’o’s characters look to the past for inspiration and guidance:

There was a time when things happened the way we in Ilmorog wanted them to happen. We had power over the movement of our limbs. We made up our own words and sang them and we danced to them. But there came a time when this power was taken from us.<sup>81</sup>

On this point, Naipaul and Thiong’o could not be more contradictory; while Naipaul’s characters find Africanness unnerving and evidenced only by a blind rage at colonial vestiges, Thiong’o sees potential in returning to a more romantic and traditionally African past: the “African socialism” of communal values about which stories were told by elders.<sup>82</sup>

Next, Naipaul and Thiong’o clearly differ on their personal connections to, and representations of, the unjust nature of colonial Africa. This might be rather intuitive given Naipaul’s career of reckoning with his identity of “otherness,” being an Indian from Trinidad drawn to the metropole of London, yet these two authors ultimately grew up in what were once English colonial territories. One would not necessarily appreciate this similarity in upbringing from reading their African fiction discussing colonial rule.

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78. Iheukwumere, *supra* note 20, at 9-10, 17.

79. A BEND IN THE RIVER, *supra* note 23, at 26.

80. DEVIL ON THE CROSS, *supra* note 28, at 52-53.

81. *Id.* at 114.

82. *Id.* at 67.



While Naipaul, for his part, does mention that the previous order was “unjust,”<sup>83</sup> his African fiction’s evocation of a personal connection to, and outrage at, the colonial order is lacking. Willie, an expatriate residing in a Portuguese African colony, remarks: “The government was authoritarian. But most of the time we didn’t think of it like that. We felt the government to be far away, something in the capital, something in Lisbon. It sat lightly on us here.”<sup>84</sup>

This colonial experience is starkly distinct from Thiong’o’s aggressive portrayals of an unjust colonial society. His fiction is filled with remarks about the injustices of the dictatorial repression and thievery foisted upon Kenya in colonial times. Even in introductory landscape descriptions, the reader is confronted with discontent regarding the colonial order:

The first two valleys went into the Country of the Black People. The other two divided the land of the Black People from the land of the White People . . . You could tell the land of the Black people because it was red, rough and sickly, while the land of the white settlers was green and was not lacerated into small strips.<sup>85</sup>

Thiong’o’s colonial era sketches echo with the experience of one who has known victims of colonial ills: a speaker at a rally laments paying “heavy taxes to a government that was not theirs,”<sup>86</sup> men contesting colonial land grabs are tried under “alien rules” in which no man could win “even if the angels of God were his lawyers,”<sup>87</sup> and colonial agents have “taken the law into [their] own hands” and have people beaten and tortured.<sup>88</sup> The reality of the “brutal, inhumane, and roguish” British colonial rule in Africa bears heavily on Thiong’o’s work.<sup>89</sup>

Thus, despite Naipaul and Thiong’o’s related visions of a lawless postcolonial state, Naipaul’s background has clearly not provided him with any optimism that a return to a precolonial past would produce anything but more destruction. His fiction reflects this, along with the notable lack of an instinctive and reflexive repulsion to the inequitable nature of colonial society. Thiong’o’s fiction, by contrast, immediately impresses upon the reader the primacy of one who has seen the brutally repressive nature of colonial

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83. A BEND IN THE RIVER, *supra* note 23, at 58.

84. V.S. NAIPAUL, HALF A LIFE 157 (Vintage International 2001).

85. NGUGI WA THIONG’O, WEEP NOT, CHILD 7 (Heinemann 1987).

86. *Id.* at 57.

87. *Id.* at 75.

88. *Id.* at 119.

89. Iheukwumere, *supra* note 20, at 13-14.

rule. It is no wonder that Thiong'o's characters consistently aspire to a time before the colonials came, while Naipaul's do not share such zeal.

#### V. THE HOPE AND THE DESPAIR

Given that Naipaul and Thiong'o are so comparable in their dim portrayals of the application of law in newly independent African states, what do their novels say about a more lawful and equitable future? Here, as with their colonial narratives, their visions conflict with each other and with academic assessments.

Thiong'o, for his part, repeatedly portrays collective action and revolutionary subversion as a way forward. One example is the demonstration against the thieves who gathered at the Devil's Feast: "I went and joined the battle with the thieves. Did you see the power of a people united? Those thieves were armed, but none was able to use his gun because they were terrified by the eyes and the massive roar of the crowd."<sup>90</sup>

For his part, Naipaul clearly does not share any hope that revolution is some kind of panacea. In fact, one might say Naipaul equates the idea of a meaningful African revolution to utter nonsense, a source of false hope. Passing a group of Africans, the travelers in *In a Free State* remark:

It's those oaths of hate again . . . . Somewhere up there they've taken off their nice new clothes and they're dancing naked and holding hands and eating dung. The president probably sent them a nice piece of dung. You could disappear here without a trace. You know what happened on the other side, don't you? The rivers ran red. But that again is something that never happened.<sup>91</sup>

Naipaul's African revolution, then, would only project a state towards more lawlessness and anarchy. One sees evidence of this in Naipaul's non-African stories as well, as the abortive revolution and uprising in Trinidad results in mere anarchy: "I don't see how you can blame the police. They don't know who they are fighting or who they are fighting for. Everybody down there is a leader now. I hear there isn't even a government."<sup>92</sup>

Accordingly, while Naipaul and Thiong'o may contemplate and illustrate an unjust and corrupt present, their projections into the future are different. Thiong'o believes in the power of revolution and hope; Naipaul's outlook is bleak and despondent. Whether Naipaul's more depressing vision

90. DEVIL ON THE CROSS, *supra* note 28, at 211.

91. IN A FREE STATE, *supra* note 22, at 165.

92. V.S. NAIPAUL, GUERRILLAS 180 (Vintage International 1990).

is due to an innately pessimistic worldview or whether it is a harsh and borderline racist assessment on Africans' abilities, the distinction between Thiong'o's vision and Naipaul's is clear throughout their postcolonial African stories.

One should not emerge with the idea that Thiong'o expresses a naïve utopianism, however. One of the few heroes of his postcolonial stories is, in fact, a lawyer who helps the main characters avoid unjust charges in *Petals of Blood*. This lawyer "castigated the negligence of those entrusted with the task of representing the people."<sup>93</sup> This character, representing hope that even those educated Africans who "serve the same monster"—the corrupt African state or those who make a living from the structures of the state—can make moral choices to help the downtrodden, has no equal counterpart in Naipaul's fiction.<sup>94</sup> Yet even Thiong'o recognizes the rarity, and perhaps the ultimate futility, of such a person's efforts, for eventually we discover that "the lawyer had been murdered. He had been taken from a big hotel and taken a mile or so from the Blue Hills and he was shot and left for the hyenas to eat."<sup>95</sup>

Even with the authors' sharply distinct views on the possibility of revolution and popular action as a spur to reform, then, the more optimistic Thiong'o still portrays the reality that creating a more equitable future will be an immense challenge for Kenya, as decent men will be cut down. Some thirty years after the first publication of *Petals of Blood*, in the face of the harrowing accounts of ethnic bloodletting in the aftermath of the 2007 Kenyan elections,<sup>96</sup> Thiong'o's tempered optimism seems to be weighted in truth. When one reporter profiled a recent Kenyan anticorruption tsar, she might just as well have been describing Thiong'o's postcolonial novels: "Long before most of his Kenyan contemporaries, he recognized graft's awesome potential to [sic] destabilize and destroy a society."<sup>97</sup>

And no matter how politically incorrect his opinions, one cannot say that Naipaul's bleak assessments have been wholly unfounded. His depictions of the difficulties faced by an outsider in the midst of a dictator's nationalization and in the face of corrupt African officialdom are likewise echoed in reality: Mobutu's Zaireanisation (expropriation of foreign owned businesses) "killed" the economy and created "a generalized climate of impunity" and a "new system of rule . . . a kleptocracy."<sup>98</sup>

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93. PETALS OF BLOOD *supra* note 21, at 184.

94. *Id.* at 167.

95. *Id.* at 297.

96. *Cf.* MICHELA WRONG, IT'S OUR TURN TO EAT: THE STORY OF A KENYAN WHISTLEBLOWER 307-13 (Harper 2010).

97. *Id.* at 316.

98. MICHELA WRONG, IN THE FOOTSTEPS OF MR. KURTZ: LIVING ON THE BRINK OF DISASTER IN MOBUTU'S CONGO 97-99 (Harper 2002).

Both authors wrote in a time before newly heralded international accords seeking to increase transparency and corruption were enacted.<sup>99</sup> But judging from both authors' troubling accounts of postcolonial realities, one does not imagine that, were the authors to write these same novels today, their policy proscriptions would be different. Naipaul would likely be skeptical that anticorruption accords signed by various international acronyms could be effective,<sup>100</sup> and Thiong'o would likely disagree with arguments that forces outside the Kenyan state could be a primary catalyst for effective change.<sup>101</sup>

## VI. CONCLUSION

On the surface of the literary criticism regarding their work, V.S. Naipaul and Ngugi Wa Thiong'o could not be more distinct. Judging from their critics, one author is a reactionary apologetic for colonialism and authoritarianism, while one is a firebrand preaching the need for a new African populism. Yet in their representations of arbitrary and capricious legal frameworks and representatives in postcolonial African states, this Article's reappraisal would suggest that each writer's illustrations and symbols of corruption, repression, and the arbitrary nature of postcolonial African states' legal frameworks are far more related than not.

Even so, Naipaul will remain a popular subject for attack; his bleak assessments of the potential for African reform, given from a non-African, will naturally be ripe targets for accusations of being "pernicious" or of voicing a snobbery that is "at one with Western imperial or even colonial masters whose observations and judgments serve to rationalize his sense of superiority."<sup>102</sup> His despair at finding a way out of anarchy and kleptocracy, when compared with Thiong'o's expressions of hopes and dreams for a more just future, will always suggest to some that the criticism comes with racial overtones—an inherent suggestion that Africans are somehow incapable of self-rule—rather than a generally pessimistic worldview. But even Thiong'o's hearkening to a precolonial African past is tempered by reality: the lawyer defending the downtrodden is killed, and so is the dream of a rosy path towards an equitable society where justice is equally applied to all.

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99. Iheukwumere, *supra* note 20, at 56.

100. *Id.* (discussing accords such as the OECD Convention on Bribery and the OAS Convention Against Corruption).

101. *Id.* at 59-60 (calling for increased international criminalization and policing of unjustly stolen state funds and discussing justifications for humanitarian intervention in the case of outrageously corrupt African regimes).

102. Harrow, *supra* note 4, at 322.