

# The IUP Law Review

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# Law and Literature: Why African Poetry Should Be Required Reading for Law Schools

*Akporherhe Friday\* and Udi Peter Ogheneriobarue\*\**

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*Research has shown that apart from disciplines such as mass communication, medical humanities, linguistics and performing arts (theater arts and music), the field of legal studies also requires the knowledge of literature (poetry) to attain its aims and objectives. The significance of studying poetry as a core requirement by legal practitioners and students is therefore the thrust of this study. In view of this, some African poems have been carefully selected based on their thematic relevance to legal issues and qualitatively analyzed. The Freudian psychoanalytic theoretical approach is adopted as it hinges on the underlying factors responsible for actions, thoughts and feelings of fictional characters in literary works. The study finds that African poetry does examine themes that relate to legal studies such as extra-judicial killings, injustice, judicial processes, human rights violation, unlawful detention, crime and punishment, exploitation and so on. An in-depth knowledge of these thematic preoccupations would help legal practitioners and students in the analysis of legal documents, persuasive arguments, drafting of applications, logical presentation of facts, judgment delivery and other judicial activities.*

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## Introduction

Every society has its culture which defines the lifestyle of its people. It is the responsibility of the members of the communities to observe, reflect on and promote the various aspects of their cultural heritage and also transmit them to successive generations. The elements of culture such as clothing, occupations, traditions, belief systems, festivals and religious practices have to be preserved, appreciated and promoted through the indigenous language of the people.

Scholars have noted that language is a medium of communication in every society. It is the means of expressing thoughts, feelings, culture, indigenous knowledge and practices of a particular group of people. The literature of a society is also expressed

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through language. Lee (2017, p. 147) noted: "Through literature, we learn, express ourselves, find meaning in our lives, and heal our wounds. Literature stimulates people's brains. It inspires us to imagine a lovely future filled with perfect civilizations and human fairness." In advancing his submission, the scholar states: "In comparison, the law's responsibility is to regulate human conduct, to penalize those who disobey the rules and regulations. People will remember the penalty and, as a result, will adhere to the regulations. As a result, it aspires to maintain society's security". The laws that govern every society are enacted and also interpreted using language, while literature aids in their transmission and documentation.

Literature has three major genres, viz., prose, drama and poetry. However, our focus in this study shall be specifically on poetry. Poetry, like language, can be employed to stimulate emotions and psyche of people, carry out reforms, promote justice and fair play, condemn societal flaws and weaknesses, and maintain law and order. According to Olaoba (2002, p. 12), "Law in African society is never defined in a vacuum. It necessarily puts on the gown of culture with ultimate performance. This is why foreign investigators usually ran into the problem of locating or contextualizing the fundamental knot of the African legal culture." In view of the above, the customs and tradition of people must be taken into account while drafting a legal framework, because culture is the underlying principle of customary laws in traditional African societies.

African laws originated from the cultural beliefs, practices and norms transmitted from one generation to another. Their practice of promoting peace, justice and equity within family units, neighborhood and communities at large is attributed to their conscious awareness of the African legal culture and knowledge. All these are embedded in poetic forms and conveyed through language to readers. Every ethnic group has its own culture and legal system. For instance, ethnic nationalities across Africa—including the Zulu-Xhosa in South Africa; the Ewe and Akan in Ghana; the Kikuyu in Kenya; and the Yoruba, Ibo, Hausa, Urhobo, Ijaw, Efik, Ibibio and Igbira, among others in Nigeria—have their various systems which are peculiar to their people. By implication, the administration of justice is purposely created by societies to curtail the excesses of deviants in communities as portrayed through some poetry.

The study by Richman (1997) reveals that "a community formed against a background that is in essence a normative natural order will have a moral balance; that balance will be disturbed by the intrusion of 'unnatural', or artificial, non-rational policies imposed" (p. 668). The poets in their skillful manner can imaginatively and artistically create events, ideas, objects, mental pictures and scenarios out of their personal inspirations and ingenuity. Also, with figurative language, they present African cultures, conflictual situations and legal processes and administration of justice system in communities. Therefore, the aim of this study is to examine the interface between literature (poetry) and legal studies in the confines of African traditional societies. Apart from the foregoing, the paper will specifically achieve the following objectives:

to examine the interface between poetry and legal studies; poetry and legal issues; poetry, language and legal practice; poetry and writing of legal documents; and, analysis of African poetry in relation to legal subject.

### **Methodology**

In this study, some African poems were purposively selected based on their thematic preoccupations in relation to legal studies. Scholarly materials that are relevant to the aim and objectives of this study were consulted and used to substantiate arguments in the discourse. Five poems were selected: Kwesi Brew's "The Executioner's Dream", Wole Soyinka's "Procession 1 – Hanging Day", Nnimmo Bassey's "Facial Marks (Post-Petrol Era)" and "That Is Why We Are So Poor", and Niyi Osundare's "Sule Chase". The chosen poems contain central themes such as rituals of murder, exploitation, injustice, crime and punishment, inequality, oppression, and so on. Since the data are non-numerical, they are qualitatively analyzed using both descriptive and analytical methods.

### **Theoretical Framework**

The psychoanalytic theoretical approach of Sigmund Freud was adopted for this study as it hinges on the underlying factors responsible for actions, thoughts and feelings of fictional characters. Psychoanalytic theory or criticism enables us "to understand human behavior and also to study literature to understand human relationship at conscious, subconscious and unconscious level" (Kumari, 2016, p. 34). The findings of Ritamani (2014, p. 13) show that the utilization of psychoanalytic "theory is useful because it helps us to understand the nature of human mind." This assertion is affirmed by the view shared by Al-Dmour (2019, p. 49) that "literature builds on Freud's theories of psychology, which helps readers simply interpret literary texts". The study of Devardgi (2009, p. 438) also reveals that this critical approach can be applied to "the study of characters and their actions in a literary text, and at the same time [it] provides us with a thorough understanding of the nature of man in general." Though crimes and conflicts cannot be completely eradicated from society because of the selfish, primitive and instinctual drives of the personality, the application of knowledge obtained from the study of poetry will help legal experts and students to better understand and analyze the causes of crimes and conflicts (Hossain, 2017, p. 43).

In advancing the relevance of this theory to literary works, Hamidreza (2012, p. 49) established that this critical theory is applied "to a text to comprehend the hidden motivation, repressed desires, and wishes of either the author or the characters that the text presents." In the opinion of Anugrah (2021, p. 11), it entails the critical investigation of human psychological functions and behaviors. The scholar affirmed that Freud's understanding of the mind is based on the methods of interpretation, introspection, and resolving subconscious conflicts, mental tensions, and other psychic disorders.

## The Interface Between Poetry and Legal Studies

Literature is a vital aspect of legal studies because of its immeasurable contribution to the understanding of principles and values by learners and practitioners of law. First, it helps to build the mental faculty of legal students and experts. Studying literature improves the critical thinking and inquisitive minds geared towards the acquisition of more knowledge for the transformation of society. In the course of analyzing literary texts such as the poems, learners are exposed to certain facts and develop the ability to interrogate and validate such assumptions, cultural practices and facts. Nilon (2020, p. 143) cites in his study Foley and Robbins (2001) who observed: "Students have yet to learn how to separate legally significant facts from legal arguments. Considerable law and literature scholarship suggest that the skills of persuasive fact writing can be learned given appropriate instruction in the legal writing classroom." Lee (2017) defines law as "a particular rule or collection of regulations binding on the members of a community." Provisions of laws enacted by legislatures, such as constitutions, rules adopted by administrative bodies, and ordinances made by municipalities, are all examples of law" (cited in Kazem, 2022).

Law helps to regulate human conduct and relationships in society. Similarly, literary works provide reasons for the behavioral patterns, feelings, perceptions and thinking process. It gives an explanation for dysfunctional thoughts and maladaptive behaviors of people within family units, organization and society at large. In affirming the above, Driberg (1928, p. 65) posits that law is "the rule of conduct that regulates the behavior of individuals in the community." Therefore, studying literary works will greatly aid potential lawyers to understand the underlying reasons and motivations behind the conducts of certain characters as evident in the poems chosen for this study.

Literature is essential for students and practitioners of law because both legal interpretation and literary appreciation apply analytical methods and logical presentations of ideas, reasoning and arguments, especially in argumentative poems. According to Dolin (2007, p. 58), "Literature is not governed by a separate body of law. Instead, there is a slew of laws governing literature, some statutory, some judicially enacted, some criminal, some civil. Defamation, copyright, and laws outlawing obscenity and blasphemy all have different restrictions and overlap on literary innovation." Legal characters are thus made to reason in a patterned and logically tailored manner. They are groomed as to how to make their points, corroborate the facts in the texts and also convince listeners beyond reasonable doubt. They often make references to relevant poetry lines to justify their points and arguments, and demonstrate their oratorical skills during judicial proceedings in the law court. In essence, an adjudicator or legal counsel must be articulate and persuasive in communicating.

The characters created in poems for readers to imagine can influence legal students and practitioners in the society. Through them, people become aware of certain crimes committed, the effects, judicial process and punishments administered to offenders.

Olaoba (2002, p. 31) reveals that there is a clear "difference in the judicial processes and mode of punishment in various cultures. This is important because it enables us to further emphasize the peculiarities of law in cultural contexts. Judicial processes differ from culture to culture. The oath system, for instance, features prominently in Akan judicial process." This process cuts across many cultures in Nigeria, especially among the Yoruba, Urhobo, Ijaw, Isoko and so on, and as the scholar also observes, the "punishment meted out to law breakers also differs from one culture to another. Although in African jurisprudence there is no watertight distinction between civil and criminal law, offenders are appropriately punished. The degree of punishment depends largely on the gravity of the offense." It is worthy of note that language is like a paint brush in the hands of creative and artistic writers. Lawyers who have profound knowledge and good mastery of figurative language skills will have an edge over those without in-depth knowledge. They must possess oratory skills to apply facts to arguments in order to convince the listeners during legal proceedings.

Studying poetry will expose potential lawyers to the customs and cultural practices of people as could be found in traditional poems. In corroborating the foregoing, Olaoba (2002, p. 11) states that culture includes "the existence of a legal system which is fundamental to the maintenance of peace and harmony so that life will be meaningful and worth living. In an atmosphere of concord, orderliness prevails and development becomes an achievable goal. Certainly, in such an atmosphere, freedom and equity will predominate". Based on this submission, through artistic works such as poems, people will understand the diverse belief systems of various ethnic groups and how to tackle societal challenges that relate to justice, equity and fair play, and defense of clients in the law court. Also, poetry broadens knowledge of learners on the subject of cultural diversities since all cultures are not the same, which people must consider when addressing customary issues. A couple of relevant poems, thus, provide legal data for experts and students who are into legal studies. Through this genre of literature, oral traditions, beliefs, justice system, conflicts, abominable acts and so on are brought to the fore. Sometimes, the mechanism for the maintenance of peace, law and orderliness in African settings requires extrajudicial processes which have been established from time immemorial in the form of community courts, religious cults, palace courts, and special tribunals.

The study of poetry enhances the understanding of the sources of certain laws, how they are applied, and the checks on the powers of rulers, taking a cue from relevant poems. Laws are originally created from the cultures of various ethnic nationalities. Every culture presents norms, values, regulations, customs, beliefs, practices and perceptions which are transmitted verbally to successive generations. For instance, the issues of inheritance, land ownership, property, funeral arrangements and rituals, marriage rites, and so on form parts of customary laws in Nigeria. They have been generally accepted by the people from time immemorial. In corroborating the above, Oba (2011) affirmed that "customary laws are local in nature and jurisdiction



over such laws and the institutions that administer them were historically ascertained on the basis of membership in a group" (cited in The Law Library of Congress, 2013).

In some literary works, the legal processes of society and the role of the adjudicators are captured and the legal experts must present their facts in a logical and reasonable pattern according to the traditional poetry and culture. Poets psychologically reflect on their cultural beliefs and practices which form a part of the law in society. It helps learners or legal experts distinguish between different cultures because there are numerous cultures across the world, and among these, some encourage sharp practices. It also enables legal students to differentiate between legally acceptable cultural practices and those that contravene the Nigerian Constitution. The study by Verhelst (1968) revealed that "law ... must be expressive of the value system of the society it seeks to serve." The scholar explains further by stating,

*Customary law, which was generated by the African society and which developed within it, is just that type of corpus juris; it reflects the cultural and societal patterns of the population to which it applies. This is not the case with foreign law. The imposition of a foreign legal system may result either in failure of the law to receive acceptance and enforcement, or in unnecessary and harmful wrenching of the social fabric of the society concerned. This in turn might lead either to the undermining of the authority of the law, or to the disruption of society. (6)*

The above submission affirms the fact that customary laws are the products of the communities, and in drafting such laws, the custom and traditions of the subjects must be prioritized, otherwise they cannot be enforced effectively. Laws that are alien to traditional people can result in anarchy and economic retrogression.

### Poetry and Legal Issues

Several poems focus on issues of crimes and administration of justice. In relation to legal studies, poetry enlightens legal experts and students on the fact that human sacrifices, ritual killings and brutality are unacceptable in a civilized society. This is demonstrated in some poems especially, Kwesi Brew's "The Executioner's Dream", Wole Soyinka's "Procession 1 – Hanging Day", Niyi Osundare's "Sule Chase," and so on. There are also poetic forms that interrogate the subject of exploitation of the peasants, the downtrodden and the masses by the capitalists or the bourgeoisie in African society. Such poems acquaint the students and legal professionals with issues such as exploitation and other related problems in African communities as could be experienced elsewhere. Instances of poems that examine this subject matter include Niyi Osundare's "They Too Are the Earth" and Jack Mapanje's "When the Carnival Finally Ends".

Poets present certain core principles and values needed in the society in their poems and these include justice, equity, freedom, order, and so on. All these are found in literature, specifically in the poetry genre. Clarifying the concept of literature

in relation to this purpose, Lee (2017, p. 147) states: 'A collection of written works is referred to as literature. The term has long been used to describe visionary works of poetry and prose that are characterized by the writers' aims as well as the perceived aesthetic perfection of their execution. Literature is a means of expressing one's thoughts and feelings.' As regards the fundamental human rights of citizens, issues revolving round human rights, abuses, assault, battery, etc. are predominant in some poems, especially from societies where there is high level of insecurity and impunity. Legal experts and students should be able to identify the poems that contain any of the above themes during textual analysis and also apply the knowledge and wisdom derived from them during judicial discourse. Instances of African poems that present the subject of human rights violation are Tanure Ojaide's "An Owl Wakes Us", Wole Soyinka's "Procession I – Hanging Day", and Oswald Mbuyiseni Mtshali's "An Abandoned Bundle", "Nightfall in Soweto" and "Just a Passerby", and so on.

While the rights of citizens must be protected in every society, every adjudicator should endeavor to discharge his or her lawful duties without fear or favor and within the ambit of the law. In consonance with this submission, Kazem (2022, p. 144) states that "lawmakers' various legislation, attorneys' eloquent arguments that create a tale in the listeners' thoughts, and the judges' rational verdicts or rulings all have a significant literary component that cannot be denied." The maladaptive behaviors of people can result in the infringement of their rights, especially where there is a breakdown of law and order. Unacceptable behaviors that are at variance with societal norms, values and standards sometimes become the subject matter of poetry. African writers who are determined to reconstruct the society and tackle unhelpful thoughts and behaviors of citizens often compose poems to express their emotional feelings. Poems present regulatory mechanisms that are acceptable, flexible and unwritten in communities. However, there is lack of uniformity in customary laws because of the diverse customs and traditions which are peculiar to ethnic groups in Nigeria.

Poetry enables people to think deeply and imaginatively in order to find solutions to personal and societal challenges. Also, the imaginative power of poets helps in shaping the lives of people in the society. Instances include Wole Soyinka's "Animistic Spell" and "Post Mortem", Okinba Launko's "End of the War", John Pepper Clark-Bekederemo's "The Casualties", "Night Rain" and so on. All poems are works of imagination and so the horizon of legal professionals and students shall be broadened with the creative ingenuity shown by the poets.

Poetry analysis requires critical thinking which aids legal experts and students in their profession. In affirming this view, Braithwaite (1988) submits, "All judges know from experience of this integral relation between thinking about what should be decided and deciding what they have been thinking about." Braithwaite further states:

*A judge who decides without thinking, without deliberating (for whatever length of time the circumstances permit, and that sometimes is not very*

*much), avoids injustice only by chance, unless he happens to have formed the kinds of habits of thought which help move him, under pressure, toward right action (p. 811).*

Literature, particularly poetry, requires critical thinking and analytical approach to issues which shall help deepen the understanding of legal documents, carry out critical cross-examination of clients and arrive at final conclusions.

### **Poetry, Language and Legal Practice**

Language is a medium for communicating ideas, truths, meanings, and emotions during legal discourse. It can be employed by legal actors to present facts, realities, common law principles and logical conclusions of arguments. In poetry, there are narratives that contain awkward language (defamiliarization) which readers must endeavor to decode and analyze for deeper understanding of underlying meanings. Chang (2009, p. 72) found that "the techniques of explanation, description, readings and expression illustrate the intimate link between law and literature. This relationship is most obvious in the fact that they both employ words and rhetoric. They both collect human tales and experiences. They just represent the human world of experience behind the formal language." In corroborating the above view, Kazem (2022, p. 144) affirms that "some law professors have attempted to make legal scholarship literary by including narrative, memoir, anecdote, and fiction in their work." Kazem states:

*A literary sensibility has been shown to help judges write better judgments and attorneys explain their arguments more effectively. The literary critic's close attention to the text is similar to the close attention of judges and lawyers to their writings. Even literature is often subject to legal regulation under such headings as copyright violation, defamation, and obscenity.*

Another aspect of language which cannot be ignored in relation to legal study is the figurative language or poetic devices employed by writers. These devices include simile, metaphor, euphemism, hyperbole, personification, paradox, metonymy, synecdoche, oxymoron, allusion, and so on. Legal studies require the mastery of figurative expressions by practitioners and students who want to pursue a career in the field of law. They should be conversant with the literal and literary meanings of expressions containing a large number of figures of speech and literary terms in general. Their practice and competence in literary analysis will also help in improving their organization of thoughts and ideas, logical reasoning, and presentation of facts embedded in the artistic works being interpreted.

### **Poetry and Writing of Legal Documents**

Writing is a productive skill that legal characters employ in communication to a presiding judge in the court of law and among their learned colleagues in society. Judges, prosecution and defense counsels should be imaginative and creatively write down

their facts and ideas, apart from possessing the skill of oratory. This medium is as important as the oral medium of expression that requires oratorical skills and wisdom. According to Nilon (2020, p. 142), "Writing remains a valuable skill in certain professions, especially in law, where attorneys must compose briefs, memoranda, and motions." This kind of "adversarial" writing largely reflects the counsel's ability to sort out facts and analyses in a manner most favorable to the client. Nilon (2020) asserts:

*Legal writing is often adversarial. The writer trying to persuade a judge or a panel of judges is usually representing one side of a legal dispute or another: in civil cases the client is either the plaintiff or the defendant; in criminal cases, either the "state" or "government" (i.e., the prosecuting authority) or the person charged with a crime (also called the defendant) (p. 143).*

In preliterate societies, adjudicators and conflict facilitators orally express their views, cross-examine parties to disputes and make their judgments without documentation. However, the reverse is the case in contemporary societies as presiding judges, defense and prosecution counsels must write and state clearly their facts and applications in written form. This affirms that fact "in advocating for a client, each lawyer is obligated to state the facts and the law most favorably to the client, taking care not to misstate or misrepresent. The result is a written version of putting one's best foot forward (Nilon, 2020, p. 143). This affirms the view that the study of poetry helps in vocabulary building for both legal experts and students. Several studies, including that of Chang (2009, pp. 72-73), found that "the vocabulary employed in law, and any other kind of literary communication is very diverse. Two separate terminologies are used in law and literature. People's motivations, desires, and sentiments are all combined in one individualized product via literature." The utilitarian functions of poetry based on the above submission cannot be overemphasized. The study and critical analysis of relevant poems will help legal practitioners and students a great deal in the area of vocabulary development.

### **Legal Poetry: Analysis**

In this study, we regard the poetic forms that are related to legal studies as Legal Poetry and so the selected literary texts shall be analyzed thematically in order to know how they address legal issues and improve the knowledge and communication skills of practitioners and students of law.

Every African traditional society has norms, rules and regulations which members must abide by. These are unwritten laws meant to check misconducts such as theft, rape, murder, adultery, violent acts, oppression and dehumanization. They are regarded as customary laws which are verbally transferred from one generation to another. Since most people in traditional communities are not educated, they psychologically reflect on the laws and their effects which of course have become part and parcel of them. Therefore, the laws which are the codes of conduct and ethical standards of the people are retained in their unconscious mind which is the storehouse or psychic reservoir.

The customary laws of the Africans are often derived from their culture, belief systems, rituals, religious practices and so on. It is the responsibility of elders to educate their children and wards about societal rules, norms and ethics. They administer appropriate punishments to individuals who violate or go contrary to the customary laws of the land. It is against this background that African literary giants in their various genres present thematic preoccupations that relate to legal discipline, specifically customary laws in their works.

### **Crime and Punishment**

Nigeria still has death penalty, and a convicted criminal can be sentenced to death by a presiding judge in a competent court of law. In some societies, the death sentence is carried out through hanging, firing squad, lethal injections, stoning, electrocution or drowning, to mention a few. All these are painful and cruel methods of execution. They are administered according to the custom and tradition of the people of a particular society where such crimes or offenses are committed. However, there are alternative punishments such as banishments, payment of compensations and corporal punishments like flogging, hard labor, sweeping of public places, and so on.

In Kwesi Brew's "The Executioner's Dream", the poet-persona captures the practice of capital punishment for people who commit crimes that warrant death penalty in traditional African societies. It is the duty of the executioner to carry out any death sentence pronounced against anyone by the society after customary judicial process. He is perceived as a bloodthirsty and cruel and a gruesome murderer,

Though the executioner discharges his assigned duty as instructed, he is being haunted by the ghost of one of the victims of his practice, offering him an ugly eye as a gift: "I dreamt I saw an eye, a new eye, / In your hands, / Clittering, wet and sickening / Like a dull onyx set in a crown of thorns" (Lines 1-4). The speaker who is merciless, hard-hearted and cruel in his career has become terrified, mentally tortured and pathetically timid after experiencing several nightmares and hallucinations. He identifies that the presenter of the horrible gift is a ghost: "I did not know you were dead / When you dropped it in my lap (Lines 5-6)." The ghost recounts the gruesome acts the executioner perpetuated in the past thus:

*What horrors of human sacrifice  
Have you seen, executioner?  
What agonies of tortured men  
Who sat through nights and nights of pain?  
Tongue-tied by the wicked sapper,  
Gazing at you with hot imploring eyes? (Lines 7-12)*

Although "sapper" is an instrument used for captives of war, slaves and criminals, in this poem the executioner used it for victims of ritual practice in traditional setting. Again, the ghost of the victim reveals the violent and cruel disposition of the executioner thus:

*These white lilies tossed their heads then  
In the moon-sleaped ponds;  
There was bouncing gaiety in the crisp chirping  
Of the cricket in the undergrowth,  
And as the surf-boasts splintered the waves  
I saw the rainbow in your eyes  
And in the flash of your teeth. (Lines 13-19)*

Studies have revealed that the psychopathic personality disorders of people are the reflections of their repressed experiences from childhood. They are sadistic and cruel and lack empathy for others in the society. In the above lines of the poem, the ghost reveals that the executioner's horrible acts are traceable to his love for bloodshed and inhumanity to people right from his childhood, hence:

*As each crystal shone,  
I saw sitting hand in hand melancholy  
A little sunny child  
Playing at marbles with husks of fallen stars;  
Horror were your flowers then;  
The blood-bright bougainvilleas,  
They delighted you. (Lines 20-26)*

The speaker wonders as the merciless executioner now weeps because a ghost offers him a horrific gift: "Why do you now weep/ And offer me this little gift/ Of a dull onyx set in a crown thorns?" (Lines 27-29). The executioner has demonstrated his antisocial personality traits as he presented cruel and horrible acts to pleasant and fascinating things, as presented in the lines above.

The major thematic preoccupations of this poem include capital punishment, human sacrifice, violence and bloodshed. Death sentence is given to people who commit grievous crimes such as assassination or murder in African societies, and it is the duty of the executioner to carry out the task of execution, which is his job. However, capital punishment is gradually being phased out of many societies today due to civilization. Human sacrifice is prevalent in traditional settings as innocent people are murdered for rituals by religious cults and occult groups after subjecting their victims to severe torture and dehumanization. Therefore, in the poem the executioner is portrayed as a violent, mean, and heartless professional who derives pleasure from executing people condemned to death by the state.

Wole Soyinka's "Procession 1 – Hanging Day" captures the ritual rites of passage of five condemned prisoners, their tortuous movement, psychic conflict, anxieties and the inhumanity being perpetuated in African society. He laments the disastrous practice of death penalty by hanging, which he believes is traceable to colonialism because of the involvement of the police and prison warders. Soyinka was incarcerated during the Nigerian Civil War (1967-1970) for about two years and so he shares his personal

experience through this poem. Dunmade (2017, p. 182) cites Tighe (1980, p. 186) who established that the "main problem in Soyinka's 'A Shuttle in the Crypt' is that of creating a language for describing 25 months of solitary confinement and all its attendant horrors and dangers." The critic concludes about the "procession" in the poem that Soyinka despairs about not being able to say anything openly about the hangings (p. 196). Unlawful detention violates human rights of citizens and the death penalties passed against criminals are being criticized across the world today. In fact, in some societies, efforts have been made to replace death sentence with alternative methods of punishment for serious offenses.

This is a ritual poetry and it begins with the emotional disturbance of the poet-persona which is described as restless, anxious, psychologically tortured and fearful while in solitary confinement. According to Dunmade (2017, p. 184), "Ritual poetry is a complex poetic genre and cannot be simply defined as 'that genre characterized by ritual elements.' The nature of the poetry is inherent in the character of ritual itself and so to define the genre, one needs to understand ritual as a subject." In consonance with the foregoing, the poet-persona describes the procession of the five prisoners on their "Hanging day. A hollow earth / Echoes footsteps of the grave procession / Walls in sunspots / Lean to shadows of the shortening moon" (Lines 1-4). The prisoners are hanged on the day that appears endless and their journey started from the "hollow earth", the corridor they pass to the "grave" of procession. The image of the demarcated walls of the yard depicts where the inmates offer prayers and render some hymns to their creator probably to rescue them or accept their souls after they have been hanged.

It is unfortunate that the prisoners are frightened and even their disappearance cannot be explained. In the same vein, people cannot express their emotional feelings about the detainees verbally, but they can do this with their eyes: "Withdraw, as all the living world / Belie their absence in a veil of eyes" (Lines 13-14). Soyinka recounts the fate of five prison inmates who shuffle up and down the corridor until they arrive at the gallows led by the warders and the police. He describes their preparation for the ritual rites until their death, "Read. Drop. Dread Drop. Dead." (Line 18). The poet witnesses the procession to the place of the ritual rites by peeping and also being apprehensive of being caught by the warders since he is also on the same "death roll." His words: "What may I tell you? What reveal? / I who before them peered unseen / Who stood one-legged on the untrodden / Verge-lest I should not return" (Lines 19-22). Although he is not among the five prisoners who participated in the ritual ceremony, he serves as a communicant. He compares himself to a church member who wants to receive the sacrament of the Holy Communion even though he did die like Christ in the Bible. He never followed the prisoners to the gallows physically but his soul migrated there and returned after the ritual of execution. This spiritual perspective of the poem is captured thus:

*That I received them? That I  
Wheeled above and flew beneath them*

*And brought them on their way  
And came to mine, even to the edge  
Of the unspeakable encirclement?  
What may I tell you of the five  
Bell-ringers on the ropes to chimes  
Of silence?* (Lines 23-30)

The poet describes the five prisoners who have been hanged as "Bell-ringers on the ropes to chimes / Of silence" and as "wretches" condemned "to the pit triumph." He also captures the deliberate construction of high walls for the prisoners to remain in darkness until their execution day. They are "raised to stay a siege of darkness", while the sounds generated by the heavy boots of the warders and the police are compared to "football thunders" (Lines 32-34). Symbolically, the "shrouds" in "vanishing to shrouds of sunlight?" (Line 35) represent death of the five condemned prisoners, just as the "sunlight" stands for death, sadness instead of happiness and warmth. This is because the executions of the detainees were carried out during the day.

Maduakor (1987, p. 52) reveals that "Procession 1 Hanging Day" is largely a "political prisoner poetry", but the poet laments his inability to help his fellow-travelers on the road to death who fell by the wayside." Maduakor further states that "for the five hanged men the rite is over, but for the poet it is still continuing" (p. 51). Soyinka psychologically reflects on the fate of the hanged prisoners and his personal fate and concludes by questioning the justice system of Nigeria that allows such gruesome killing of people through this cruel and merciless method: "Let no man speak of justice, guilt/ Far away, blood-stained in their/ Tens of thousands, hands that damned" (Lines 36-38). The poem ends with the poet lamenting over his own loneliness, "But here, alone the solitary deed" (Line 40). He is confined to a dark prison cell without hope of being released but probably to also be murdered like the five condemned prisoners. The poem creates an imagery of a grave, a hollow earth, a pit, a siege of darkness and confinement encirclement (Lines 41-42). In response to the practice of death penalty in the poem, Dunmade (2017, p. 186) cites Adekoya (2006, p. 220) who states that the "poet indicts the purblind Nigerian judiciary that still keeps capital punishment in its law books and questions the practice of making condemned prisoners pass through the tortuous motion of death several times before they are finally hanged." In retrospect, the execution of criminal offenders in Nigeria was rampant during the military juntas with political opponents, journalists, human rights activists and other freedom fighters unlawfully arrested, tortured, summarily tried and sentenced to death.

In some societies, extrajudicial executions or killings are carried out by mostly angry youth and elders without subjecting crime suspects to due process of the law. There are several cases of such unlawful and barbaric acts in our communities today, even though the unwritten laws of the people approve of these methods of punishments. Extrajudicial killings are carried out when criminal offenders allegedly agreed to have committed crimes of rape, treason, adultery, theft, armed robbery, blasphemy and



murder, among others. The knowledge of the above poetry and its critical analysis by scholars will enhance the imagination and communication skills of legal experts and learners as the subject will trigger arguments over the practice of death penalty and other alternatives in the Nigerian society.

Niyi Osundare's "Sule Chase" is one of the poems in his collection titled, *Songs of the Marketplace*, published in 1983. The poet portrays a society where minor crimes attract death penalty or extrajudicial murder, whereas grievous criminal offenses committed by highly placed citizens such as politicians, public servants, community and religious leaders, among others, are treated either with fear or favor. In the poem, Sule, a petty thief, resolves to steal a loaf of bread from a trader's stall due to hunger. In an ideal society where there is law and order, this suspect should be arrested and taken to a court of law to face the charges. However, the citizens that include both professionals, educated, peasants, artisans, and so on, chase Sule, catch him, and eventually lynch him to death.

Osundare, through his poetry, captures a society that breeds injustice, exploitation, deprivation, lawlessness, impoverishment and corruption, which are responsible for the increasing crime rate and the prevalent jungle justice in most communities. The people that chase Sule in the poem are citizens of questionable character:

*The chase starts in some shadowy stall  
On a hungry afternoon...  
The race gathers more legs in every lane  
Tailors with giant scissors  
Persecr with PENDING files  
Barristers with dusty wigs  
NEPA experts with fused bulbs  
Telephonists in dead head-sets  
The doctor with coughing stethoscope...* (p. 16)

All these above citizens abandoned their various responsibilities for a while to chase a petty theft. Ironically, politicians, public servants and community leaders who loot public treasury are allowed to go scot-free. These people pretend to be unaware of the fact that their criminal acts have continuously led to economic downturn of the country. In the poem, Osundare laments over the high level of impunity, lawlessness, insecurity, absence of rule of law, breach of legal process and poor administration of criminal justice that characterized the Nigerian state. The analysis of the poem will goad legal experts and students to interrogate the issues of injustice, impunity, and extrajudicial killings that characterized several societies in this 21<sup>st</sup> century. The poem will undoubtedly add value to the study and practice of law.

### **Oil Politics and Exploitation**

Nnimmo Bassey is a prolific African poet whose literary works raise issues of injustice, oil politics, exploitation, protest and underdevelopment in society. His poetry collection

titled *We Thought It Was Oil But It Was Blood*, published in 2002, contains, among other poems, "Facial Marks (Post-Petrol Era)", and it is dedicated to the people of Mindo Ecuador and by extension to the people of Niger Delta of Nigeria. The poem presents environmental pollution, ecological degradation and exploitation of the inhabitants of the land where crude oil was discovered, explored and exported without any positive impact on the lives of the people and society. In the first stanza, the poet presents the activities of seismographers who recruit some community members, but upon discovery of oil, the people are alienated by the explorers and the inhabitants become strangers—deprived, marginalized and exploited by the oil-producing communities.

*Facial marks help folks  
Pick out members of the clan  
Environmental scars traced  
By seismic lines and illegal loggers  
Transnational eco-devourers  
Alienate us from our land  
We are strangers to our own soil. (Lines 1-7)*

It is ironical that the discovery of crude oil, supposed to be a blessing for communities, is now a source of sorrow and deaths. These are captured in the second stanza, thus: "Oil ducts / Tear ducts / Oil pipes / Blood veins / Pipes of conflict / Ducts of death / Pipes of blood" (Lines 8-14). In the third stanza of the poem, the poet-persona laments over the evils brought by oil exploiters who connive with the "folks" by releasing some money to them and then inflict pains and agonies on the people.

*Facial marks beautify our folks  
They help us attract and scare and show our strength  
Environmental scars are our masks  
Forced, alien, wicked, hateful  
Slave marks, hellish scars...  
Alienate us from our land  
Now, we are strangers to our own soil*

The multinational oil companies operating in the Niger Delta are empowered by the Nigerian laws to explore any area, and where crude oil has been discovered, the land automatically belongs to the Federal Government. Such areas are often set apart by oil spillage, loss of aquatic lives and vegetation, sickness, air pollution, and impoverishment of the inhabitants, to mention a few. In the fourth stanza, the poet agitates for collective struggle in order to revert the abnormality created by the government, transnationals and corrupt leaders from the host communities. Without mincing words, the poet agitates strongly: "Come together valiant souls / Drive off evil serpents from our land / Sacred that is our earth / Link those hands across the seas / Let's block these ducts with our / Collective fists." The poet-persona concludes the

poem by informing the inhabitants of oil-bearing lands about the importance of the pipelines that crisscross their land and the need to collectively agitate for justice and improved conditions of living. He enlightens the people thus: "These pipes of dreams / Of dollars and sorrows and tears / These ducts burrow into our hearts / These pipes dry our lands / These pipes drain our soul: / These pipes steal our dreams." In the poem, the pipes are symbolic in two oppositional ways: they connote wealth but bring sorrows and tears; cause environmental degradation and death of the inhabitants of the oil-producing lands.

The poet decries the unaccountable stewardship of community leaders and protests against the exploitation of the inhabitants of oil-producing areas. He also exposes the crimes committed by transnational corporations, and demands environmental justice, accountability and economic development of the oil-rich areas and by extension the Niger Delta region. In the poem, Nnimmo nostalgically reflects on several issues that call for urgent attention of the Federal Government of Nigeria and the multinational oil and gas companies. They include ecological bastardization, environmental crisis, perpetual slavery, poverty and underdevelopment, to mention a few. According to Martinez (2002, p. 7), it is ironical that "Oil pipelines crisscross indigenous lands, protected areas, sacred sites, and populated areas", yet the inhabitants are suffering. Martinez regrets that "Today, in the midst of financial crisis, of governments blinded by globalization, of transnationals which grow every day more powerful, of companies glutted with cases of corruption, of millions of migrants who look in the North for what is denied them in the South, of the most serious environmental crisis in history" (p. 6). The above submission will definitely generate a debate among legal experts with a view to finding a lasting solution to the challenges facing the inhabitants of oil-producing areas.

### **The Downtrodden and Human Rights**

African poetry also focuses on themes pertaining to human rights violation, especially among the downtrodden in the society. In the poem, "That Is Why We Are So Poor", Nnimmo Bassey impresses on the downtrodden, the poor and the oppressed the need to revolt against those who are responsible for their hardship. The poet-persona addresses "Ricardo Navardo", who represents the underprivileged in every society, pointing out the cause of our poverty thus:

*We are very rich...  
That is why we are so poor  
I watched your lips, Ricardo,  
As these words fell  
More than bombs  
A wake-up call  
Arise valiant people  
And claim your own*

The poet sees mass agitation as the way to ameliorate the sufferings and deprivations of the masses, since their elected representatives and political leaders acquire wealth and resources meant for the betterment of the people for their own selfishness and aggrandizement. He calls for a radical and responsible approach towards the liberation of their land and resources in order to live a meaningful life.

*We are very rich...  
That is why we are so poor  
  
If indeed those who occupy  
The stately houses of power  
Are truly like bananas  
How many bananas are straight  
That we may entrust with the task  
Of speaking for us, standing for us?  
  
We are very rich...  
That is why we are so poor (p. 64)*

Nnimmo, in this poem, condemns outright those who represent the masses in the government at all levels, but never consider the rights and wellbeing of their constituents: There is no doubt that "We are very rich" but our representatives are myopic, egocentric, and insensitive towards the general welfare of the masses, and "That is why we are so poor." Martinez (2002, p. 7) writes, "Nnimmo Bassey is an uncommon poet, a committed poet who judges, and is to be judged by ideas, by conduct, by deeds. A poet who fights technology with poetry and sadness with memory." In advancing his submission, Martinez maintains that Nnimmo's poems are a celebration of the courage of the men and women who fight for their rights, for their communities, for the environment, justice and equality. "Their courageous fight for their rights is a celebration of the diversity of the skin, the color of the earth, the diversity of seeds, of the life force which struggles to maintain itself" (p. 7).

## Conclusion

The study has shown that African societies are characterized with legal issues which are contained in African literary works, specifically the poetry. The writers may consciously or unconsciously interrogate subjects pertaining to legal discourse in their poems which will be essential for legal professionals. Therefore, studying such poems will improve the imaginative and argumentative skills of practitioners and students of law. It will enhance their communication skills, method of critical analysis, and factual presentation and criticism of practices that violate human rights in the society. ♦

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