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**The Word in Africa:
Orality and Literacy in Achebe's *Things Fall Apart*,
Arrow of God, and *No Longer at Ease***

By Matthew Taggart

HONORS THESIS

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Preface:

I picked up Chinua Achebe's Things Fall Apart, on a whim, as a quick summer read. It has now been over a year since I finished reading the book, and it continues to occupy my mind. This fascination has led to the works of Chinua Achebe becoming the centerpiece of my senior honors project as a student at Western Washington University. In this paper I hope to be able to convey what has captivated me for such an extended period of time. Achebe's works, relating the life and times of people in far off Nigeria, for me, has struck unusually close to home. The interactions between characters in Achebe's novels reminded me of interactions I have had in my own life.

I grew up in an urban environment, in the city of Seattle. Throughout my childhood I have witnessed the interactions of city people, people who live in close quarters with thousands of others. Urban people are forced to interact with other people on a daily basis on a scale that is unknown to the rural or even suburban dweller. People are a part of the landscape. Every move through a city is done so in the presence of people.

As a city dweller oral interactions are a constant part of life. Most of the communications conducted between the millions of people that inhabit our urban environments are oral. As a youth I found that many of my friends and neighbors looked to reading and writing only as periphery activities. It was said that you did not know someone unless they had been spoken to in person. Much of what were considered important interactions to the integrity of the community was conducted orally. From parties thrown by neighborhood members to discuss the organization of crime watches, to dispute resolution between neighbors, the oral character of the community was always one of its most defining features. Oral relationships were often what bound the city communities I was a part of together.

As a youth most of my interactions with my closest peers were made through oral contacts. In a city where people reside side by side with their neighbors it is convenient to have social stimulation without the use of technology. There was a sense of social conduct that dominated activity within my neighborhood. There was an understood code of behavior between those of us who lived close together that was separate from the legal system set up by the city. Social codes were based on oral understandings rather than

written on paper. The substance of these codes was based upon the relationships between neighbors; the mediating factor was a shared value for the community. As in Chinua Achebe's novels, the oral law and the written law in my community were often at odds with each other.

Introduction:

This paper is written in an attempt to shed light on the representation by Western academics, and by the Nigerian writer Chinua Achebe, of African societies that did not use written forms of communication but used oral forms of communication. Achebe in his novels Things Fall Apart, Arrow of God, and No Longer at Ease portrays social aspects of orally based societies that may serve to further aid academic studies of orally dominated societies. Throughout the text of his novels Achebe reveals an intimate relationship between individuals and community that is essential to the strength of an oral society. Achebe's presentation of law in colonial Nigeria in both its written and oral forms clearly illustrates the social changes that may be incurred due to a change in the medium of communication.

Laws can be described as rules that govern human activity, which are readily enforceable by the authority of an established power. Laws can take many forms; some are religious mandates that restrict the activity of community members by authority of a divine actor. Laws also are made by governments at all levels to help organize and maintain the society at large, and in small clubs and societies to regulate the activities of members. Due to a community's ability to enforce law, laws are most often created in such a manner that the rule of the law can be executed only in a specific manner. This is done to ensure that laws will not defeat their purpose and hurt the community rather than aid it. Thus laws are created to last over time, to be stable, so that individuals can act according to prescribed methods without having to worry about being punished by the community in which they are active. If laws were to change from day to day people could more easily be punished for acting, through either ignorance, or forgetfulness in an arbitrary manner, contrary to the needs of the community.

In the West laws have traditionally, at least for the last 1000 years, been written. The history of laws in written form goes back much further, at least to the time of ancient Mesopotamia. Historically laws have one of the first aspects of culture to be put down in written form. The written law, in a sense, is able to influence human activity from the neutral medium of the page. The page, unlike the human mind where the oral law must reside, can be viewed by all who can read, at any time of the day or night. Further the text can not change without the willful effort of some individual or group. The written text can be viewed as a technology well suited to aiding the establishment of a legal system. The reason text is a useful technology stems from its ability to remove an item from its social context, to in fact place the law outside the community, and the realm of personal relationships.

Yet, the tradition of law without writing, legal mandates encapsulated in oral structures, or oral law, in human society stretches back even further than the thousands of years dominated by the text. Oral systems of law have been the dominant means of organizing human civilizations for the majority of our history on the planet. It has only been in recent years that it was thought appropriate for large parts of the population to be able to read. Reading was only thought necessary for those who might have the power to make or effect it. In many great empires of even recent history literacy was not thought of as a necessary component to rule. Kings who made little use of the written word ruled the great states of northern Ghana, even in to the 20th century. Though an Islamic based society, with a highly literate religious elite, the leaders of northern Ghana did not use the written word as the basis of governmental procedures (Goody 142). Systems of oral law were devised and orchestrated all over the world to organize societies. Societies whose members base their activities on oral codes still are a major component of our world culture today. Even in countries such as the United States, where large portions of the population have the ability to read, write and access to print technologies, relatively simple systems of oral law remain as central points of organization for many communities.

In the modern world there is an inability for oral legal systems and written legal systems to interact. Western scholarship has developed a tendency to view the technology of written language as irrevocably combined with any sort of legitimate legal

system. Up until early in this century communities ruled by oral laws were simply not recognized as legitimately organized. Communities ruled by oral laws were simply not seen as ruled. On the other side of the literacy barrier, many communities which base their structures on forms of oral communication see written law as a less legitimate form of social organization precisely because written law is constructed outside the community's barriers.

As this century has progressed more and more attention has been paid to the relationship between oral communication and social organization. As field based research has become a more popular method of inquiry, the oral aspects of human life have been drawn to the forefront as something important to the composition of most societies. Still there remains a tendency in the West to view oral forms of communication as pre-literate, a characteristic associated with "primitive" cultures. Oral communication is often seen as a remaining bastion of pre-history, a dinosaur that still plods its way through the streets of our modern world. Many language scholars cling to an evolutionary model of language history ignoring the fact that oral communication remains our primary as well as one of our most effective means of communication. Yet in the tradition of Western academia there has been far too little attention paid to the serious study of oral communications. Due to the method of Western scholarly examination all studies must at some point revert to text. In order to describe socially presented oral communications based on conventional linguistic structures, anthropologists working in Africa have been forced to use such oxymorons as "oral texts" to demonstrate to other academics the importance and complexity of oral communication in places where written text is not much used.

Achebe's novels draw the attention of the reader to the distinction between oral law and written law by developing characters that watch their society being torn apart by the influences of European colonization and Western literacy. The communal laws, based on ancestral mandates and oral agreements, are pushed aside by a European colonial law that is fixed on a piece of paper, and thus separate from the community itself. The older members of Igbo society, the titled men, have their authority undermined by colonial governmental structures that require literacy to participate. Because the written legal medium used by the British colonial government is one

inaccessible to many of the older generation, it is their sons who must take the burden of trying to learn to cope with both traditional African and colonial worlds directly. It is the youthful generation that must choose between cultural value systems.

This paper explains the effects of the interplay of literacy and orality, the knowledge of text and the knowledge of the spoken word, on social conceptions of law, as represented in the works of Chinua Achebe. From Hammurabi's code to the first Chinese writings, text historically can be seen to originate from administrative uses often tied to government. The research conducted will show how the representations in Achebe's works, Things Fall Apart, Arrow of God, and No Longer at Ease reflect the differences in conceptions of law in oral and literate societies. Things fall Apart, and Arrow of God show how traditional Igbo oral societies were organized and illustrate the conflicts that occurred in Nigeria between the early colonialists and the people of Nigeria. No Longer at Ease represents the more recent problems that occur in Africa between the lingering remnants of traditional oral structures and modern literary based bureaucracies.

Literacy and Orality: Theoretical and Methodological Considerations

The study of literacy and orality in Africa can be seen to develop with the onset of colonialism. Developing alongside the prejudices that dominated European and American society during the colonial period, the rhetoric of Western studies of interactions between literate cultures and oral cultures is littered with derogatory statements and stereotypes. The distinction between orally based societies and literate societies has often been used as a way to describe the division between "us" and "them," the West from the non-West.

The development of scholarship on orality and literacy in Africa has been divided between two disparate schools of study. One group of scholars, mostly social theorists, has examined orality as a central component of an African social model. These theorists have tended to look to orality as the central ontological feature of African society, leaving very little room for the individual complexities that are displayed in such works as those by Achebe. The theoretical paradigm that dominates the work of most Western social theorists that have studied orality and literacy in Africa is based on an evolutionary

fallacy. Orality is portrayed as a pre-literate medium, one that folds with the dominance of a more advanced form of communication, writing. The oral nature of African societies is described to directly effect the behavior of African peoples in many different ways; from preventing them the ability to think rationally, to the main explanation for the lack of technological advancement in Africa.

The second group of scholars that have chosen to study orality and literacy in Africa primarily does so using methods similar to studies of literature in the West. These scholars examine particular oral art forms in much the same way a literary critic would examine a text. Both groups are confronted by the difficult task of studying a form of communication that defies the normal modes of scholarly examination, which has traditionally required a text.

Leroy Vail's work on African orality, Power and the Praise Poem: Southern African Voices in History, gives a fine discussion of the development of "oral man" among Western scholars. The term "oral man" is used by Vail to describe the categorization of African societies based upon their dependence on oral forms of communication. The phrase "oral man" has been a key term in the study of orality and literacy in the West. Vail points to a tendency among some Western scholars to make orality the defining characteristic of African societies. Looked upon as a characteristic that helped to hinder African development, orality was used as a convenient dividing line between the Western man and African Man. The "African man" became the "oral man" to help distinguish him as an "other" from the civilized West.

Vail begins his discussion of the development of the idea of the "oral man" with the formation of anthropology as a discipline. The discipline of Anthropology began around the turn of the century, to explain the boundaries between "civilized" and "primitive" peoples. Using the precepts of Social Darwinism, anthropology set out to explain the "other" to the West (Vail 4). To the Social Darwinist anthropologists the peoples of Africa, along with all other "primitive" people, were viewed as "living fossils" that illustrated an earlier stage of human development than the European. These older versions of anthropology based studies upon a comparative method, which essentially meant African cultures were compared directly with European cultures (Vail 6).

Kidd, one of the first anthropologists to study Africa, thought only the highest forms of civilization were able to have concepts of time and thus were dynamic. Africans and other "primitives" were thought to be controlled by timeless, unchanging customs and traditions (Vail 7). The image of the native "stuck in time" weighs heavily on these early works. Levy-Bruhl, who published around 1910, also focused his work on comparing Western to "primitive" cultures. Levy-Bruhl formulated that "primitive" cultures differed from European cultures in that they were structured upon "laws of participation." These laws of participation had shaped the native's thought processes in ways that are "prelogical." Thus the African populations were stripped of any trappings of what Europe would consider intelligence as they were viewed to be unable to develop beyond a simple level of sustainability.

The Western notion of a "prelogical" man was aided by the lack of writing systems in Africa. Seen without writing, Africans were viewed to have no developed academic or intellectual faculties whatsoever. Because African societies were seen to have no academic institutions that directly paralleled the West's own, they were thought to have none at all. Yet while these theories were being formulated in Europe, no actual onsite research had been conducted in the traditional societies that dominated Africa, instead academic speculation had been based upon information provided by mostly European administrators at colonial outposts.

It was not until the 1920's when Franz Boas took a stand against the racist assumptions of his contemporaries, that a call was made for intensive onsite research in the field of anthropology. This marked a shift from the primacy of theory to the primacy of fieldwork. Boas's American students, such as Paul Radin, Robert Lowie, Margaret Mead, and Ruth Benedict, who did research in Africa, immediately recognized that "primitives" were not primitive, but shared complex social and economic institutions, and that the people of Africa were both rational and logical. Yet these anthropologists still carried over their training from the likes of Levi-Bruhl, and had largely accepted his notion of the importance of "tradition" to African peoples. This would have long term implications as researchers continued to try to locate static precapitalist, precolonialist fabrics within African societies, often ignoring historical facts (Vail 11-12). Older forms of critique influenced findings of researchers so that they downplayed the importance of

power struggles and other dynamic features within African societies, again representing them as static entities, and tended to view African people as lacking in individual drive and creativity.

At last in 1961, Jan Vansina's The Oral Tradition argued convincingly that even nonliterate Africans possessed recoverable histories, and prompted many scholars to begin to scour African villages to record oral traditions that were then used as the raw materials for new written histories. This began a new era in African anthropology that has led to more fieldwork in recent years. Yet despite advances made in the study of African history, Western scholarship's project of comparing the West to the rest of the world on the basis of orality and literacy has continued up until the present day. Rooted in a social theory that highlights the limitations that orality has on social organization, the people who live in such societies continue to fall victim to belittling stereotypes. The notion of "oral man" is reborn in theories that create an all-encompassing social psychology, which attempts to explain the thought processes of those who live in oral societies.

The development of such social psychological theories began innocently enough with Milman Parry's study of Homeric Traditions in the 1920' and 1930's. This work was largely unknown until the 1960's when Parry's disciple Albert Lord published his book Singer of Tales. Lord and Parry both argued that Homers works were actually oral creations, composed during performance. They argued that the structure of the Greek hexameter allowed the oral poet to be able to draw from a grouping of set phrases and thus perform an extended verse poem (Vail 16). Parry began a very ambiguous conflation of the method of communication with thought, as he argued that the verse gave form to thought. Several authors took this idea farther to create fresh oppositions between West and non-West, based upon thought being structured by how and what one uses to communicate, or discourse.

Marshall McLuhan was one of the forerunners of a theory that linked how people think with how they communicate. Where Parry and Lord were most concerned with comparing oral poetry to written poetry, dealing especially with techniques of oral composition and the creativity of the oral poet, McLuhan looked to compare whole modes of thinking. He seized upon the idea implicit in Parry's idea that oral poets

thought in a way different from the modern literate individual to make his principal concern "the forms of thought and organization of experience in society and politics" that he thought he detected among oral peoples. McLuhan presented a stereotyped "oral man," that was to characterize all illiterate peoples. He analyzed societies around the globe based on a theory that made forms of communication the most important organizational element, placing most societies in Africa in the backwaters of social development. McLuhan wrote that the printed world had a "crucial role in staying the return to the Africa within" us all, a return to the intellectual darkness of the oral world (McLuhan *Gutenberg Galaxy*, 45). McLuhan argued that in oral societies people were necessarily suppressed both mentally and personally because of their utter dependence upon the society around them. He concludes, "nothing can exceed the automation and rigidity of an oral, non-literate community in its non-personal collectivity." (McLuhan *Gutenberg Galaxy*, 21)

McLuhan's concept of orality is centered in an evolutionary model that maps the development of literacy as the beginning of the development of modern culture. He paints a picture of pre-literate societies stuck in time, unable to develop with any rapidity due to the constraints of the oral medium. It is only once literacy is introduced that a society can move forward, developing the technologies that allow civilization to spread. This evolutionary model, which places oral society in a kind of permanent ice age, is in no way an accurate description of the actual dynamics of oral society.

Ironically McLuhan's theories served to turn the work of the people who supposedly inspired him on their heads, for Parry and Lord had dedicated their works for the most part to the brilliant creativity of the oral artist (Vail 20). In the works of Parry and Lord oral culture, and those who perform orally, are celebrated for their ability to create dynamic works that change from presentation to presentation. Parry and Lord celebrate the flexibility and creativity evident in the works of art created in oral societies rather than an oral society that McLuhan finds as intellectually stagnant. McLuhan so thoroughly believed that oral cultures had stifled the intellectual ability of African people to understand situations beyond the immediate that he states "the native of Ghana cannot accept a film about Nigerians. He cannot generalize his experience from film to film,

such is the depth of involvement in particular experiences." (McLuhan *Gutenberg Galaxy* 39)

Walter Ong is another important social theorist that aids in the maturation of an idea of an "oral man" in the West. Walter Ong paints a picture of a crumbled "primary oral culture", destroyed by the onset of text. Ong, a student of McLuhan's, agreed with his mentor that Parry and Lord's formulation for oral poetry had deeper psychological implications. In the book Orality and Literacy Ong attempted to explain the "psychodynamics of oral cultures," a strategic shift of focus that represents oral literature as the center of intellectual life for all oral cultures, and thus most societies in Africa. He paints an overarching picture of the intellectual that confront an oral society, in which knowledge can be kept only through oral repetition and simplicity. Ong presents a series of formulas which oral cultures must practice in order to retain information. He identifies patterns within language that are meant to subconsciously bind objects to the human memory.

In Literacy and Orality, Ong melds thought and expression in as a single phenomenon to be governed by the same nine characteristics in "primary oral cultures." First, knowledge is additive rather than subordinative, details or items are piled on one another for easier mental digestion. Second, aggregative rather than analytic, ideas are clustered in cliches that aid memory. Third, information is presented in a redundant fashion with much repetition to keep hearers and speakers on the same track. Fourth, knowledge has a conservative or traditionally focused, with the cultures' primary commitments "frozen" in narratives and aphorisms that can be memorized and repeated easily. Fifth, knowledge claims are only tested in non-abstract ways, and thus are based on real life references. Sixth, when members of an oral society are tested it is conducted in a combative manner, pitting one member of society against another. Seventh, presentations of knowledge are emphatic and participatory rather than objective, using personalized formulaic expressions rather than objectification. Eighth, oral cultures are homeostatic and operate intellectually in a permanent present. Ninth, information is presented as situational rather than abstract, for oral language users can not keep in mind abstractions that can be recorded on paper because memory can only retain the concrete (Ong 1982, 36-57).

Like McLuhan before him, Ong focuses on an idea that writing restructures consciousness. Ong states about the modern world: "Speech is no longer a medium in which the human mind and sensibility lives," communication is conducted through "silent written and printed documents more than by the spoken word." (Ong 1958, 287, 291) For Ong writing is consciousness raising, a more advanced form of verbalization. Ong creates a linear evolutionary model where orality dies before the onslaught of text only to be reborn in a new incarnation bonded to modern media technologies. This new incarnation of oral society, termed "secondary orality," combines the analytic elements found in print with the spontaneity of oral communication in a less than perfect manner. Yet these formulas deny the creativity that was recognized by Parry and Lord as something that can be present in oral forms of communication.

Ong's cognitive-communicative theories miss the point that the formulas used in oral cultures are not there to aid the oral performer in the creative design of the presentation, for the creativity within the mind of the performer themselves does this, but rather are the very substance of the oral work. Ong generalizes his formulaic ideal to cover all areas of non-literate discourse, not simply oral literature. Ong's model traps oral societies worldwide in an endless cycle of repetition, forced to repeat the same cultural knowledge through the same limited forms of communication, until literacy is introduced and they can move forward. Yet Ong's vision of oral communities that are locked in to traditionalism by a limiting oral communication structure is at odds with the actual history of Africa over the past two hundred years, which has witnessed massive changes within many societies that still remain primarily oral. Orality is a medium that like literacy is technology of communication that is capable of maintaining stability and rapid change.

The second group of scholars to study orality and literacy, those that would approach the study of oral culture as a new form of literary critic, generally have spent much more time in field than either Ong, or McLuhan. Many have been personal witnesses to the workings of actual African societies, which primarily use oral forms of communication. Curiously this group of scholars also makes use of the work by Parry and Lord as the basis for their own studies. These scholars, like Parry and Lord before them, concentrated on studying the artistic genius of oral performers. They tend to shy

away from general social theories that construct a stereotyped "oral man," and move towards the analyses of oral traditions in specific African societies. The basis of their work is recording and evaluating the actual stories and performances conducted by various groups throughout Africa. The theories used by this group of scholars have a tendency to focus on how the oral performer conveys information to their society. These scholars have run in to the difficult task of trying to analyze oral performance with the traditional Western scholarly tools meant for the study of text. Due to the fact that, until recently, oral aspects of society were not considered serious subjects of academic inquiry there is very little in the way of terminology that would serve those who would study oral African societies. The result has been that many scholars have had to present their studies of oral traditions as if they were written texts, some such as Ruth Finnegan, going so far as to describe their subject of study as "oral literature."

Ruth Finnegan writes of the African oral performer as an artist who has the ability to blend the fabric of the community's cultural heritage into a unique communicable medium that serves to captivate and instruct the audience. Finnegan accentuates the model of the oral performer as an artist, using the term "oral literature" to describe its composition. "Oral literature is by definition dependent on a performer who formulates in words on a specific occasion. . . In this respect the parallel is less to written literature and more to music and dance. . ." (Finnegan 2) Finnegan, to demonstrate the seriousness of her project to study African orality, is forced to mark it with the term "literature." As she writes: "Importantly, oral literature is literature to be studied as seriously as any written text." (Finnegan 16) Finnegan is inclined to mark some forms of oral communication with the term "text" in order to show its importance to the oral social realm. In the West there is no term that would allow one to point to an oral dialogue as being important without making a comparison with text. Western scholars such as Finnegan who attempt to study orality are forced to use "text" as the basis for their terminology.

Finnegan recognizes the historical tendency of Western scholars to look upon African oral traditions in comparison to Western written traditions as somewhat simplistic. This phenomenon may be due to an impression in the past that much "oral literature" has no depth of meaning and little structural complexity. Finnegan attributes

this view in the West to the fact that the simple stories were the easiest to record and thus were the only ones brought out of Africa for study (Finnegan 21). She explains, that many of the very complex stories told by oral performers were either never published, published in annotated forms that gave no indication of the social and political background that would lend substance to the story, published without noting the artistic representations of the oral performer that go along with the story, or must be translated so that much of the verbal complexity is lost. Further, most African languages have a tendency to be tonal, and can be exploited by an oral poet to present a wide range of emotion through language that can be easily lost in translation. The very essence of oral communication, the spoken word, evades capture within the literate medium, and thus makes it hard to study for a traditional Western scholar.

Finnegan must also struggle to discuss what should be considered "oral literature," to be taken under serious intellectual scrutiny and what should not: "It very hard to determine what should be included as oral literature. There are some epic forms that fit European models that should clearly be said to be literature, but what about riddles or rhetorical speeches, which are key to the functioning of an oral society but may not fit within contemporary literary models?" (Finnegan 23) There is a constant questioning of the oral medium, because it does not last, except for the minds of the performer and the audience. Questioning what is profound and what is not in such an ephemeral medium remains difficult to the Western educated mind.

A further problem in defining oral performance as literature is that there is no concept of an 'authentic version' of an oral piece. There may be many versions of a single story, all of which are given equal chance for truth, but are evaluated by the actual act of performance. Part of the lack of a concept of authenticity may come from the impact of an audience on any oral performance. The audience is expected to play an important role in the telling of any oral piece (Finnegan 10). Audiences are often expected to be able to break in to a performance with a performance of their own, producing questions and accusations directed at the storyteller. If an oral performer has strayed from the path they may be corrected by a critical audience and expected to counter the rebuff. The problem then lies in the notion that to every piece there is no

single author; each performer of a traditional piece is considered a legitimate source for the piece, a factor that further complicates traditional forms of Western literary analysis.

Isedore Okpewho, who like Finnegan has attempted to illustrate the literary qualities of African oral performance, makes as a centerpiece of his work on orality not an "oral literature," but an "oral artist," the person or persons whose role it is to conduct the oral performance. Faced with the same theoretical difficulties that confront Finnegan, Okpewho insists that the oral artist is an essential element of studying an oral literature because so much of the art is based upon individual presentation. Thus he is able to avert focus away from the elusive "oral text" and towards the person who presents the oral performance.

"Oral artists" are usually trained formally or informally depending upon what society they are in and what specific situations effected their lives (Okpewho 21). For the Yoruba of western Nigeria training to be able to perform *ijala*, or hunter's poetry may take up to twelve years. Beginning usually around the age of six those children that are particularly interested in the oral arts are paired off with either older family members or special relations that are skilled in *ijala*. Training proceeds from simply listening to *ijala* chants to the pupil chanting along with his master at the time of public festivals, to a time when the master may order a pupil to give solo performances at selected social gatherings. Poets are able to retain such a large amount of stored knowledge through practice and constant repetition as well as the use of medicinal charms that are said to enhance memory (Okpewho 22-23). Yet Okpewho insists that the oral poet artist does not just recite the traditional works of their society, they also create new stories that enter the social dialogue. Thus a key characteristic of an oral society that Okpewho points out is that there exists an established social position for an "oral artist."

Okpewho accentuates the point that the "oral artist" has a unique role within traditional African societies, with specific social functions. "Oral artists" were often supported on the basis of a patronage system. Some, such as the griots of Mali, served the Kings as court historians and advisors for their entire lifetimes; others served well-to-do private individuals for limited periods or special occasions (Okpewho 27). In many areas oral artists worked as political agents hired to boost the images of the political figures they represent before audiences.

By studying orality through the "oral artist" as a person Okpewho, like Finnegan in her appropriation of "oral literature," must note the problems associated with the study of a communication whose substance relies on an audience. The "oral artist" is one whose texts are composed upon in the human mind. Thus as those who an "oral artist" would communicate change, so must the presentation of the "oral artist." The defect in focusing studying orality through those that perform orally is that the performer is only half of the oral piece. The audience, the society in which an "oral artist" would perform, is a key part of what is unique about oral performance, and oral traditions. Thus one can not study oral traditions in a vacuum, as one might a written piece, for the society it is created in takes part in the creation. Oral traditions can not be stored in libraries, they can only be found within a living, active society. Okpewho makes note of the dynamic affects that society and social practice has had on those who would practice the oral performance in Africa. He points to the struggle in modern Africa for the "oral artist" to remain an important part of society. As African society has shifted its focus away from oral communication, the status of the "oral artist" has declined in many areas to the role of a night club performer.

Okpewho recognizes that unlike a written text the oral performance changes with the audience. Therefore those who would study the oral nature of society must not only study the text, the author, or the audience, but they must study all three, for they all make up the actual substance of the work. The text of an oral performance is in the audience as well as in the performer. The oral performer must play the audience as a good musician would play an instrument, pulling from the interaction with the audience what is needed to give the performance power. Literary discourse separates the act from the actor; it creates an art form that is separate from the person, while oral discourse remains immediately attached to the person and the society they are a part of (Goody 158). Oral performance is a function of a complex interchange, not isolated acts. Oral communication creates a direct relationship between the composer and the perceiver. It is a dynamic medium that encourages interaction; performer must adjust to audience, audience to performer.

The need for study of the relationships between oral performance and society are clearly reflected in the works of Jack Goody, an anthropologist who spent many years in

the field in Africa, and who began publishing on orality in Africa in the 60's. Goody who conducted extensive fieldwork in Africa, has concentrated on the actual experiences of traditionally oral African societies, which have in recent years come in contact with literate colonial powers. Goody's great amount of field experience have lead him to come to study the oral traditions of African people in a way that is quite similar to the works of Ruth and Okpewho, recording and analyzing specific oral performances. But his interest in an attempt to define a greater African social phenomenon has led him down the path walked by McLuhan and Ong. Goody, much like McLuhan and Ong, argues that literacy made it possible to scrutinize discourse, and that this scrutiny enhanced critical abilities such as rationality and logic, as well as increasing the potential for cumulative knowledge. Thus Goody seems unable to shake the theoretical paradigm constructed by social theorists such as McLuhan and Ong that point to orality as pre-literate phenomenon that serves to stifle creativity and development. But, unlike McLuhan, and Ong, Goody is extremely cautious to avoid using generalizations about peoples who used orality as their primary form of communication. Goody uses specific examples to back his claims and shows that the parameters of oral use may differ from group to group. He refuses to use a term such as "oral man" to describe his African populations of study. Goody has helped develop a notion of a contemporary oral African society meriting serious scholarly attention because of his use of specific social relationships, rather than large generalizations.

A problem with only analyzing oral traditions using the methods of literary criticism is that the spectrum of study is narrowed. The majority of work focuses on oral performance as delineated pieces while the actual breadth of oral culture is much wider. In an oral society oral communication is used for all aspects communal life, function, social, religious, governmental, economic, as well artistic. To focus only on the artistic aspects is to miss a great part of what role oral communication can play within a society. Goody's work attempts to incorporate the dynamics of the greater society into an analysis of oral culture but seems to use the same evolutionary theoretical basis that are found throughout Ong and McLuhan's work.

Yet, orality must be studied in terms of its social context, because the very makeup of the text is within the members of society. In oral performance in Africa, the

tone changes, the drumming has a different beat, and thus variation is one of the performers' greatest tools. Just like a jazz soloist variation is often included for dramatic or aesthetic effect. To transcribe such a performance, counting verbal repetition to support presumptions about techniques of composition is to misrepresent the performer's art. Unlike assumptions made by McLuhan and Ong, many oral performances are not composed in performance but are instead composed well ahead of performance. The *Zambian kalela* or the *Chopi migodo* are carefully composed well before a performance, and meticulously rehearsed. The form and use oral communications vary from society to society based on pragmatic needs of the society's members, and the artistic creativity of individual within the society. To draw broad generalizations about all oral societies thus will inevitable lead to stereotypes.

To write conscientiously about the influences of orality and literacy in societies across the globe one must not be drawn in to making sweeping generalizations about the nature of all peoples. Orality is a form of communication not lost in literate societies but is actually used as one of the most common forms of communication. The similarities that occur between people in predominantly oral cultures and those people who live within a literate society, would indicate that the broad psychological assumptions about those peoples who communicate primarily through oral means should be swept aside. The use of oral communication is not the sign of a primitive existence, it is simply a different basis to bind social organization. Social organization and orality should be studied hand in hand, but the theoretical paradigm of a pre-literate, intellectually crippled society must be swept aside.

Law in Africa: Tradition and Adaptation

"Under various accepted definitions of law, indigenous African societies may be said to have lacked law, or at best to have had an exiguous and erratic public law. On such views, before Muslim or the European overran tribal Africa, its people knew only custom instead of law." (Smith 24)

This statement by M.G. Smith clearly summarizes the view of African Colonialists and Scholars in Africa well into the 20th century. Africa was a continent that

"lacked law." To understand how Europeans came to view law in the indigenous societies of Africa it is important to look at the fundamental aspects of the traditions of European law.

The two major forms of European government to take hold in Africa were French and British systems of law. Both used systems based upon text. The history of law in Europe is both secular and textually based. The British system is based upon a Common Law system that in theory recognizes localized practice as a legitimate source of law, while the French legal system is based upon "Civil Law" in which the centralized state is the only legitimate source of law. Both systems of law are brought into Africa, yet even in the British colonies local African law is for the most part ignored in favor of laws passed by the centralized British colonial administration.

The traditional preoccupation of the Western society with legal uniformity and centralized administration is intelligible only in terms of criteria drawn from Western political and legal development. Further these criteria are inadequate as a sociological framework for the comparative study of law. By European legal systems it is clear the viewpoint of Western educated peoples going into Africa. What Europeans would be willing to call law would only fit in the rigid bounds of a traditional Western model.¹

¹ The beginnings of European legal systems can be traced back to the philosophers of Ancient Greece. In the writings of Aristotle one finds many references to natural law as both general and inherent in human nature. The Stoics further developed the idea of natural law both as empirical truth and normative ideal (Smith 32).

It was in Rome that a system of secular law developed. The Romans gradually developed and refined a system of technical jurisprudence directed towards the clarification of precedents, legal conceptions, and institutions. They formulated extensive writings on the workings of the governmental structures as well as technical handbooks to aid the work of practicing lawyers (Smith 32).

The formal theory of law developed from the competition for power between the Church and state during and after the twelfth century. Feudal Europe at this time was a loose assemblage of connected jurisdictions, ruled by an even more loosely connected nobility. The nobility ruled their lands on any number of legal codes, but eventually in between estate-stratified feudal jurisdictions the law merchant gradually emerged as an applicable autonomous code based upon element of old Roman law.

Yet law in Europe has always been a mix of secular and religious doctrine. Since the writings of Augustine, and the City of God, there has been a defensible division between secular and religious law. Yet always in Europe the moral basis for all law remained tied to Biblical codes of behavior.

Aquinas thought to harmonize the notions of Augustine and Aristotle, combining natural law with divine law. He proposed a division into four species; ecclesiastical law or Divine law, positive law enforced in the courts of princes whose authority was derived principally from God, the law of Divine purpose written into the fabric of all aspects of creation, and natural law identified with man's rational faculty as applied to the understanding of Divine rules and purposes. Aquinas stated that all peoples must fulfill the requirements of their social status, and that the nobility should take on the role of fairly enforcing law as a divine responsibility. Thus Aquinas sanctioned the heterogeneity of feudal jurisdictions, while at the same time subordinating them to the laws written in the text of the Bible.

Marsilius and Dante both harked back to the secular autocracy of Byzantium and the Antonines. They were deeply disturbed by the legal chaos of late feudalism, and sought to replace it by a uniform and universally applicable system, on the one hand secular but based upon a theocratic order.

In the works of the like of Hobbes, Locke, and Rousseau, the major Social Contract Theorists can be seen as a further development of law into a textual medium. The idea that there resides a Social Contract between the ruler and

Thus in studying and further setting up government in Africa, existing systems of were not perceived as legitimate. It was viewed necessary, as a part of the civilizing process for the European colonialist to impose law on Africa.

In the colonial period all African states, colonies, and protectorates can be studied, based on the social theory related by Durkheim, as plural societies, where power is shared between at least two distinct groups and usually arises by the domination of one culturally distinct group over another. In homogeneous societies, in which a single distinct cultural group holds power, it is the social constituency that constitutes law, but in plural societies such as those in Africa, it is the law created by the dominant powers, in Africa's case European colonial powers, that serves to constitute the organization of society (Smith 26).

In homogeneous societies, where the constituent populace is made of people mostly of the same ethnic and cultural background, law may much more easily express organic institutional relations. In plural societies on the other hand, the population is heterogeneous in cultural and ethnic constitution and has a greater tendency to be coercive in base, the laws that are to regulate society are often sectional, forming different regulations for different groups. In the evolution of plural governments the state determines the structure of society, and provides the legal framework within which the new society may or may not emerge. In the homogeneous society the state claims legitimacy as the derivative authorized regulatory institution. In the plural society, whether protectorate, colony, or racially exclusive union, the state seeks to constitute a new society within a legal framework that it legitimizes independently (Smith 27).

the ruled that must be rationally defensible by most parties further served to relocate the legal code into a secular area, and began notions of Constitutions that would serve as the bonding principles of whole nations. Always there is a focus on centralized administrations that serve to rule the state form a localized structure. A pivotal element in these theories of natural law and social contract is the imperium or sovereignty. As legal unity and uniform administration presume the imperium, these two doctrines supported one another and also supported centralization. Hobbes, in his theory derived social unity entirely from the prior overriding power of a central absolute ruler. In this view the legal validity of any corporations was not legitimate unless created by or based upon the authority of the state.

From this background in theory colonialist authorities viewed many African societies as having little in the way of governmental structures. In Britain political reformers such as Austin and Bentham conceived of law only in its relation to a centralized state. Austin defined law as the commands of a sovereign, which his subjects must obey. Many of his predecessors such as Holmes, Salmond, and Cardozo, would only define law in reference to the courts, denying the possibility of law where courts are absent. Even the long standing traditions of common law in England were swept aside if there was not a court that would recognize the common law as legitimate, thus law once again is only thought of in relation to institutions which are established to enforce them (Smith 36). Further Roscoe Pound defines law as "social control through the systematic application of the force of politically organized society." Primitive societies were not thought to fit this definition because they lacked political organization

With the onset on colonialism in Africa plural societies emerged throughout the continent as colonizers attempted to extend the range of areas under the jurisdiction of colonial law. As the European powers expanded their governmental holdings they established new forms of legal organization to be able to administer the diverse African populations now under their control. The models they used were based on the European legal systems. These European systems of law function through the use of technologies of literacy, and legal texts. Colonial governments were essentially multilevel bureaucracies that depended upon a large amount of paperwork to function properly.

One of the factors that helped legitimize British colonial rule over the native societies of Africa was the lack of use of text by the native populace. British colonialists had developed an idea that all “primitive” or oral societies had centralized governmental structures similar to those they had witnessed in India. In societies where a centralized governmental structure were not found the British colonial government set about creating them where none had existed before. Nigeria, the setting of Achebe's novel, is a good historic illustration of how Colonial government came to control vast parts of the continent, creating plural governmental structures with European political ideals reorganizing societies that were not traditionally structured in this manner.

The Colonial conquest of Nigeria was conducted, for the most part with the aid of members of the local population. The governing policy of the British Colonial rulers of Nigeria was indirect rule. Already active rulers were confirmed under British authority and in societies where no single traditional ruler was present puppet rulers were set up throughout the provinces of Nigeria. Sometimes these rulers, titled “warrant chiefs,” were taken from an existing hierarchical political structure sometimes they were not (Isichei 380). “Warrant Chiefs” legitimized by the colonial government were given the authority to rule over specific areas of Nigeria. Only the colonial government had the power to depose a ruler. Backed by weaponry from the colonial authorities these rulers were given the power to enforce colonial tax regulations (Isichei 381).

In large areas of central and southeastern Nigeria no traditional rulers existed and, therefore, had to be invented. Europeans were so convinced that Africans were ruled by chiefs that they would create fictitious rulers. Later, when they understood traditional

(Smith 37). Sidney Hartland goes further to state that the law of “savage” societies consists in the totality of tribal

African systems of government better they clung to the idea of chiefs because the complexities of the local indigenous governmental systems were often unsuited to function as a subsidiary of a modern bureaucratic state (Isichei 382).

At the local level indigenous systems of government were often severely hindered by the new institutions imposed by the British. The very structure of some indigenous governments were fundamentally different than the centralized institutions that they were forced to participate in. In the case of the Igbo the traditional political structure was one that did not have a central figure that alone could act on behalf of the entire village population. The Igbo political and legal structure is one that does not easily fit into categories based on European history and experience. At the establishment of colonial power in Igboland by the British, the traditional Igbo governmental structures, which did not focus on a single individual but on kindred groups were not understood or perceived as legitimate forms of government. To understand how Igbo legal and political systems, which required only oral forms of communication to function, were considered legitimate by the people who lived under them, one must look beyond traditional European models of government.

The basic structure of the traditional organization of the southern Igbo has been a polysegmentary structure of localized patrilineal kinship groups. Settlement is dispersed, but small clusters of neighboring compounds are intimately associated as the households of a dozen or so patrilineal kinsmen tracing their descent from a common ancestor a few generations back. These small groups are incorporated into wider groups as members of larger territorial units corresponding with lineages of wider span (Forde 80).

The traditional Igbo legal system was intimately tied to the entire Igbo political system. Laws were passed through a series of interconnected political institutions. C. B. Nwachukwu studies the traditional political institutions of the Mgbidi Igbo community, showing how legal, political and social institutions were all intimately intertwined. The highest place of political power in Mgbidi is the village. The family household, although itself not a political unit, is the foundation on which more complex Igbo institutions were based. Above the level of the family is the political authority of the compound head. Each compound consists of the combined households of all the members of a single

customs, the core of legislation being a "series of taboos."

patrilineal lineage group, that trace themselves back to a single male ancestor. The compound head holds great power, and is usually the eldest male in the lineage group, as he is the living embodiment of the ancestors, and is the chief repository of custom. The compound head in association with other elder members of the compound decides cases concerning the family group. If the compound head attempts to become autocratic the other elder members may defy him. A young and prosperous man can be accorded high esteem within the compound but he cannot for any reason try to overshadow the compound head or the other elders.

Each compound is a part of a larger kindred group based on the lineage of the male members of the compound. The kindred group has its own individual leader, titleholders, and age grades. Political decisions at this level are made very democratically. The leader of this group is always the oldest living male of the oldest branch of the kinship group, and has religious as well as political functions. The legislative functions of the kindred groups are carried out in assembly of all the adult males of the kindred groups. The leader of the kindred group rules with the aid of the compound heads. The age-grades carry out the executive function.

The village level, which is made up of a number of kindred groups, is the highest social and political unit in Mgbidi. The village is normally based upon common kinship, religious, and economic ties, though non-kinsman may live there. Each village recognizes one kindred group as senior, based upon descent from founder of the village. The oldest man of this kindred group holds the office of ceremonial head of the village. The actual power of this leader depends upon the individual personality of the man himself, some hold great power, some are only ceremonial figureheads. He runs the affairs of the village with a council of titleholders. Invariably government at this level involves direct consultation of all-important members of the village. The head of the village presides over a council of all the elders of the community. No single individual has overriding authority, but it is not uncommon for the senior elder to exercise a strong position of leadership. A typical village government would be composed of the village head, the elders of the kindred groups making up the village, title societies, the secret societies, and the age-grade. Legislative functions are conducted in general assembly. Usually a topic of debate is brought before the government, meeting in the public square,

where all males of a specified age can debate freely. Then the elders adjourn to consultation to come to a final decision. Someone who is a skilled orator next communicates the decision to the entire assembly. The decision is accepted or rejected by the simple reaction of the assembly, if the decision is agreed upon then there is celebrating; if not there are shouts of anger and the decision may be changed.

The enforcement of laws is handled in a similar manner, the same groups of people who make laws are also the ones who adjudicate. There is no strict separation between civil and criminal cases. It is important to note that the hearing of cases most frequently take the form of a demand by one lineage group for restitution from or punishment of another. In principle every minor lineage was entitled to participate in the hearings and judgement of any case that concerned its community members or the community at large, and the elder, as the ritual head of each lineage group represented the lineage group formally in the adjudicating body (Forde 84).

This of course is an ideal model of how Igbo government worked in pre-colonial times; in reality there were aspects that were not so egalitarian. In village groups that had come in contact with one or more of the spheres of external trade with the coast or the interior, successful organizers of trading and raiding were often able to establish relations of patronage over other quasi-client lineages and communities. Thus an informally centralized power structure might develop around an individual or group spanning past a single lifetime. In such circumstances, familiar to most societies, moral norms and the judicial institutions were often modified to act in the interests of the powerful.

The imposition of colonial systems of law upon the Igbo people had a serious effect upon the structure of government. The British colonialists set about creating a plural society molded upon a European concept of politics. With the establishment of the protectorate of Nigeria in 1900, a network of government stations with police posts, linked by secure tracks and telegraph lines, were extended throughout traditional Igbo territory. The initial administrative effort sought to establish and maintain minimum law and order, and to help establish secure trade routes to the coast. To aid this colonial effort to administrate over this vast area, a number of traditionally autonomous village groups were brought together into centralized units designated as native court areas. Each recognized community in these areas were invited to designate a "warrant chief" who

would sit in rotation as a member of the bench of the area court, and would also serve to help instruct his community about the ordinances required by the Colonial authorities.

For the Igbo people the senior village head who presided over the court of elders was often self-excluded from a position on the colonial court, due to his age and ritual functions for his own village. In communities where a central powerful figure that headed an influential kinship group was seen as powerful throughout the community, the position of "warrant chief" would be given to this person. But, if there was no clear individual or group that held dominant power within a community the nomination of a chief could be troublesome, seeing that the traditional Igbo political system is based upon a democratic rather than autocratic power structure (Forde 87).

Adding to the confusion between colonial British and Igbo political systems was the attachment of a court clerk to each court area. During the initial institution of the native court areas there were very few Igbo who were literate and had any experience working in the colonial administration. Because the British legal system was based on paperwork, clerks were mostly outsiders, imported from coastal stations under the old consular regime. These figures, sometimes mistakenly, sometimes not, misled the warrant chiefs as to the requirements of the colonial administration. As outsiders the clerks did not always feel obligated always act in the interest of communities they were supposed to assist, but often acted out of self-interest. The effectiveness of the warrant chiefs in matters of interest to the colonial administration was directly related to the information provided by the clerks. Clerks, as often the only people who could speak English well enough to be taken seriously by the colonial authorities, were often able to intimidate and mislead the warrant chiefs to their own advantage. Through the clerk's control of official lines of communication, messengers, and the apparent power to summon police, gave them access to personal power (Forde 87).

Within the structure of the warrant courts themselves were further structural conflicts with traditional Igbo political and legal practice. Disputes and offences that had traditionally been dealt with by localized groups, under the colonial system had to come before the "warrant courts." The external authorization of the warrant courts and of its judgement beyond the traditional kinship setting in conjunction with new forms of punishment that were not focused on restitution between kinship or lineage groups could

lead to resentment. The replacement of collective responsibility of a lineage group for the actions of its members, with a legal system that centered on the actions of the individual, weakened the power of kinship groups both to protect and discipline their members (Forde 92).

There were occasions where a "warrant chief," formerly of modest status, saw an opportunity under the protection of this new external political power and through the manipulation of its powerful punitive sanctions, to build up his own personal following, to assert control over other kinship groups or communities. The warrant chiefs' appointment was virtually permanent unless he gravely offended the colonial authorities, for the office was considered a "traditional" one. Even the traditional power of the elders in Igbo societies often could not serve to curb the powers gathered by ambitious "warrant chiefs" who could build up a following, for the powers of elders lay tied to the traditional kinship structures that were weakened by the onset of European governmental systems (Forde 96).

It can be seen that the European view of the political structures of Igbo society, which assumed that there must be a centralized power in order for the community to work effectively, led to great loss of cohesion of Igbo society itself. The pluralistic form of British colonial government resulted in traditional forms of law and politics to be greatly degraded throughout Igbo societies. The inability of the British to recognize how oral legal systems operated throughout the Igbo villages led to further removal of power from the traditional kindred and village structures to the "warrant courts," that, though known to be corrupt, were thought to be more legitimate than traditional legal systems. Some Western scholars have come to preach the same misconceptions about traditional Igbo forms of law as colonial administrators because they are unable to look beyond traditional forms of European legal organization as legitimate. Thus in order to fully understand the operations of traditional forms of African law it is important to listen to the voices of those that have either participated in or studied in a direct manner how these legal traditional oral legal systems operate.

U.D. Anyanwu, an Igbo scholar, argues that academics must learn to escape European notions of what constitute legitimate political structures in order to understand Igbo social organization. He calls for a definition of politics which incorporates

opinions, beliefs, customs, values, orientations, and attitudes which a people have come to view over a period of time as valid in the political process of their polity. Thus in attempting to analyze the legal structure of the Igbo one must look to the traditional focus of the entire society, as well as the technologies of communication used in the operation of such structures. Anyanwu states that an accurate look at the Igbo political and legal structure must lie with the identification with family structure and heredity as the central aspect of Igbo society, which are far different than modern European social structures.

"The significance of . . . ideological and historical factors in Igbo political tradition was that all persons (leaders and the rest of the population), and all organs associated with ordering affairs of each unit of Igbo social structures were perceived (and indeed perceived themselves) as instruments for ensuring that solidarity or community health was preserved and protected in the respective relative units in particular and in associated units in general."(Anyanwu 34)

Thus central themes in the study of any notion of an Igbo legal system should not be based upon the European traditions of individualism, or democracy but on the notion of solidarity that ran throughout social relationships in Igbo communal life. The tight family relationships that were a central part of Igbo political organization helped allow oral communication to remain as the basis for Igbo legal institutions. A law created by social leaders could easily be transferred to all members of the village through lineage groups. Due to the fact that the whole lineage group would be considered responsible if one of its members broke a law passed in the village, the solidarity of these groups was very important. Social relationships were constructed to help maintain this solidarity, and make sure that laws were not broken. It was the responsibility of elder members to make sure that younger members obeyed the law.

The legal structures of the Igbo society, founded only in oral communication, can be seen as both legitimate and effective. The political structures and family relationships of the whole society are neatly intertwined to ensure the stability of the community, and the maintenance of orally communicated law. Traditional Igbo legal structures further point to the need in a study of oral communications to an examination of the social

structures that surround and facilitate their use. Through such a study one can see the importance and legitimacy of oral law throughout African societies.

The Word and Law in Achebe:

Chinua Achebe, the great Nigerian novelist, was born into a generation that was witness to the institutionalization of European cultural values for the peoples of Nigeria and the humiliating decline of traditional African cultural ethos. Achebe was born into a society where for educated Africans to accept European views was considered a given. Yet for Achebe to sweep at least a thousand of years of African, specifically Igbo, cultural history under the rug was unacceptable. In a startling interview with a fellow African writer, Achebe states, "I used to love Heart of Darkness, I thought it was a wonderful work, until I realized that we were the dark skinned barbaric natives standing on the shore." Achebe's collective works can be thought of as an attempt to link the present and the denigrated Igbo past. They attempt to shine an illuminating light upon the Igbo people, in an act to remove them from the shores of the river in the Heart of Darkness, and place them into the dynamic civilization in which they actually lived. As he states in another interview, the purpose of his writing "was to set the score right with my ancestors" (Nwachukwu-Agbada 121). Achebe's works are a dynamic medium in which to study orality in the social setting in which they must operate. As a part of Achebe's defense of his ancestors the author is conscious to highlight the importance of oral communications and the methods of its use.

With the publication of his groundbreaking first novel Things Fall Apart, in 1959 Chinua Achebe attracted attention from all over the world for his portrayal of the people of Umuofia and their first encounter with European Colonial authority. Since its publication Things Fall Apart has been the subject of hundreds of academic journal articles and critiques. Things Fall Apart has been acclaimed around the world for its vivid rendition of a pre-European African society. Yet Achebe, even after such wide recognition, did not consider his project to connect the African present with the past complete and continued to write novels that further traced the impact of colonial intervention in traditional Nigeria. Among these more recent works are Arrow of God

and No Longer at Ease which both serve to broaden the scope of the historical narrative revealed in Things Fall Apart.

Achebe produces a critical study of the Igbo past, pointing out its strengths and weaknesses. He has described his conscious deliberation and examination of the Igbo past as a 'celebration', an attempt "to help his society regain belief in itself and put away the complexes of the years of denigration and self-abasement" (The Novelist, 44). A large element of Achebe's work is dedicated to examining the Igbo political legacy. Achebe wishes to illustrate in his novels the ability of the Igbo people to maintain legitimate, rationally defensible, governmental structures before the introduction of British colonial rule. Counter to what was taught throughout most of the world at the time the novel was published, Achebe claimed that Igbo political institutions were founded on sound principles similar to those used to defend the superiority of European governments.

Part of Achebe's program to point out the rational legitimacy of traditional Igbo political institutions is a focus on Igbo law. The examples that Achebe delivers in his novels serve as accurate representations of how law was created and used in traditional Igbo society. The next few pages are an examination of Achebe's representation of traditional conceptions of law in Igbo society, how this conception is related to the oral medium in which they must be transmitted, and finally how Achebe's representation may be seen to compare with academic representations of traditional African law.

The relationship between literacy, orality, and law is evident throughout Achebe's works. A Mbanta elder in Things Fall Apart presents the heart of Achebe's representation of the relationship between orality and law in a simple statement. The village elder laments: "But I fear for you young people because you do not know what it is to speak with one voice" (Things Fall Apart 118). The great failure of the characters in Things Fall Apart, Arrow of God, and No Longer at Ease is their inability to unify their community behind the course they would have it follow. Okonkwo, Ezeulu, and Obi all find themselves alone at the end of each of their individual stories, unable to bind the community they wish to represent behind the course they wish the Igbo people to take. It is the inability of the Igbo communities to maintain traditional social relationships and to unify in the wake of massive changes imposed by outside colonial forces that in the end

fractures the traditional village structures. What also must be recognized in the Mbanta elder's statement is the ability of the Igbo people of the past to "speak with one voice." It is this "one voice," that is recognizable throughout the novels as law.

The "one voice" functions through the social structures that are represented in both Things Fall Apart, and Arrow of God. Both of these two novels focus on the organization of Igbo society before colonial intrusion. Things Fall Apart centers on the villages of Umuofia and Mbanta, while Arrow of God is set in the village of Umuaro. Yet all three villages represent similarities that occurred throughout Igboland before British colonization.

The expression of the "one voice" can be clearly seen in Things Fall Apart when a wife of a member of Umuofia is killed coming home from market by one of the Mbaino people. The demand of the Umuofian community for immediate reparations from the Mbaino community is both unanimous and firm. A law of the people of Umuofia had been broken and so immediately the entire community was willing to respond. All that was needed by the people of Umuofia was to determine who would be the delegate to send to Mbaino to make the demands for reparations. A law is clearly evident because all members of the community know what action is called for without a need for political negotiations. The community must only act on established law.

Arrow of God, unlike Things Fall Apart, begins with a community in a state of some division. Though the people of Umuaro still are all willing to follow the rites of the ancestors, the voice the community has already been torn apart by an encounter with British officials that set the main character, Ezeulu, the high priest of Ulu, at odds with other members of his community. This novel does not highlight the incident that served to divide the community but rather traces the result of the division.

Both the main characters in Things Fall Apart, and Arrow of God, can be seen as men who are defenders of traditional Igbo law, while Obi Okonkwo the main character in No Longer at Ease is a person who accepts British Colonial law. Okonkwo, the wrestler and man of action, loathes to see the village he calls his home become divided and weak before the pressure of an outside power. He is a man who firmly believes that the old ways of the Igbo must be maintained in the face colonial intrusion. Ezeulu, the high priest of Ulu, the reflective intellectual, loathes to see his village become corrupted by

external powers, and sees the need for change in his village, but he is not willing to give up the spiritual traditions of his cultural past. Obi Okonkwo is a quite different main character who understands, and is sympathetic to European cultural values, favoring British colonial statutory laws to the traditional laws of his village of origin.

The dynamics of these three characters is carefully laid out in each of the three novels so each character takes an individual stance on the prospect of colonial development. The younger, more modern character is portrayed as accepting of a European dominated social structure, and at the end of the novel finds himself looking at a prison sentence because of his inability to separate himself completely from African social pressures, in the form of taking a bribe. Yet in Achebe's two novels set in a traditional Igbo village both men find themselves similarly alone at the end of their respective stories but due to an unrelenting stubbornness resist the changes that are being imposed upon traditional Igbo cultural structures. Okonkwo ends *Things Fall Apart* by committing suicide after killing a colonial messenger and realizing his village would not rally around his act of defiance. Ezeulu finds himself similarly alone as most of his community converts to Christianity, because Ezeulu refuses to allow the Yam harvest until the traditional religious rite could be conducted. Yet some Western literary scholars do not recognize the great resistance the main characters in Achebe's two novels set in Igbo village societies have to the crumbling of traditional institutions that they consider legitimate.

David Carroll, in his biographical and literary work, Chinua Achebe writes of the Igbo people as flexible, easily changing ideas from one day to the next. As if echoing the writings of McLuhan and Ong, Carroll indicates no ability to develop, but rather a rejection of all set forms and institutions. He writes of the Igbo people, "This flexibility is seen not only in the absence of a central authority, the rejection of absolute laws, and the fluidity of village groupings. It is manifest in all areas of Igbo life." Carroll continues: "This kind of flexibility and pluralism in all areas of organization and belief clearly encourages a tolerant skepticism toward authority and custom. At the same time, it should be noted, such a system precludes the directness, the unanimity and security which a more static, centralized system would provide" (Carroll 38). Thus sticking with a very traditional European view of African societies, Carroll sees Achebe's

representation of Igbo society as ones that lack stability and thus the ability to progress in any formal sense. Carroll, in reading Achebe's works, seems to find little that points to organized government and law. Carroll has brought European expectations for social organization in to his reading of Achebe's works. Yet Achebe insists that he is representing a different picture of Igbo society in his novels.

In an interview in 1963 with fellow Nigerian novelist Wole Soyinka, Achebe states as the major problem presented in his novels a theme in complete opposition to what Carroll asserts about the societies represented in Achebe's texts. Achebe states of the society portrayed in Things Fall Apart, "The weakness of this particular society, I think, is a lack of adaptation, not being able to bend. I can't say that this represents the Igbo people today, but I think in this time strong men were those who did not bend, and I think this was a fault in the culture itself" (Lindfors 11). Therefore what Achebe is trying to represent in his novels is not a society that easily bends under the strain of outside forces, and has no set political institutions, but a rigid society, with well established political institutions that are forced to change by coercive colonial pressures.

Carroll, and others like him, may view the Igbo society through Achebe's lens as one that changes easily because throughout his novels he is describing a society under immense pressure to change. The time period that Achebe picks to place his novels is one in which dramatic changes were happening in societies throughout the continent of Africa. Both Things Fall Apart and Arrow of God are set simultaneous with and following the moment when the British colonial authorities began extending their authority to the interior regions of Nigeria, and thus force all societies to bow to ultimate colonial authority. Achebe does not set any of his novels prior to the point in which the Igbo's must encounter European authority where the Igbo "rigidity" can be seen to operate without outside influences. He portrays an Igbo society where strong characters are pushed to their breaking point by changes brought on by colonial intervention over which they have no control.

The main characters Achebe portrays in his novels set in traditional Igbo societies are both powerful males within Igbo society. Achebe clearly points out the patriarchal nature of Igbo society. Both Okonkwo and Ezeulu are considered highly ranked individuals in their society because of their ability to portray masculine characteristics.

Both men have many wives, are wealthy, strong and even brutal at times. They portray the rigidity that Achebe wishes to portray within the leaders of traditional Igbo society. As he states in the interview, "strong men were those who did not bend." It is this admired property held among masculine authority figures that Achebe points to as being one of the aspects that led to the downfall of Igbo societies under colonial rule.

Yet though Achebe points to this "rigidity" of character as something that helped lead to the destruction of Igbo society, he sees it also as an attribute to be admired. Both Okonkwo and Ezeulu keep their positions to the end, standing up for the legitimacy of traditional Igbo ways in the face of great outside pressure. Both main characters portray a willingness to represent traditional law through their own actions. Ezeulu in his stubborn refusal to begin the harvest ceremony, and Okonkwo's call for violent retribution for the imprisonment of his village's elders both represent actions based on traditional law that these characters are not willing to modify even under colonial pressure. These actions show how laws of Igbo society are represented in the relationships of the people themselves. With no text to record law, it becomes the duty and right of the people themselves to establish stable rules for the community. Law carried out in Igbo society, as portrayed in Achebe's novels, is intimately tied to both religious and ceremonial practice. In each of the main characters' lives these obligations take a central part in determining their political status within their village.

Okonkwo is a titled man. He is both a great warrior and a wealthy farmer. In traditional Igbo society political power can not be attained directly through wealth, but indirectly through titles. In order to gain a title a person must be of a certain age and must pay a healthy sum to be distributed throughout the community, so that after the title is achieved the man has exhausted a great deal of his wealth. Okonkwo has gained three of four possible titles in his village and is considered a very prominent member of the community. As a man with titles he plays a substantial role in making political decisions for the entire village community. He is called to all the important political meetings throughout the novel. In addition to being present in the political meetings he is given the opportunity to don one of the spirit masks of the ancestors, in which form he helps present all the most important legal decisions to the entire community.

Ezeulu is the high priest of the most powerful god in his village. He is a central figure in every political decision his community makes, as the sole person with the power to communicate with the god Ulu, Ezeulu is responsible for making sure all political decisions meet with the approval of Ulu. He is in charge of administering many of the festivals around the year, including determining when planting and harvesting seasons will begin. Ezeulu is responsible for making sure that the actions of the people of his village do not go against religious traditions. He is given great status for his role in observing the rituals required by Ulu to make sure the god continues to look over the village with benevolence. Igbo laws are often enforced due to the effects an infraction will have upon a spiritual entity, thus a spiritual advisor must be present in the development of legal decisions.

It is through the oral rituals and rites that the legal system of the Igbo community is passed to one another. In the political decision process there are great debates between the leading orators of the village, who each take differing sides. The person who is able to convince the most members of the political body that his idea is the best decides the action taken by the community.

What is considered law in the village communities can be observed in the very character of the people. Achebe has pointed out that it is strong, inflexible, males that are given high status in traditional society. The social value of strong male characters may stem from a need to maintain the oral laws that constitute the society. In order for a society to remain ordered by law there must be those who would uphold the given structure and make sure actions are carried out the way that they are intended. Strength of opinion may be considered a redeeming characteristic within oral societies because the laws actually exist only in the social relationships between members of the community. A person who is able to uphold relationships in a predictable manner can be considered a person of great value because they help maintain the institutional integrity of the community. Both Ezeulu and Okonkwo are such characters; both believe in and try to uphold the law of the village as passed down through the elders, and through proverbs and parables.

Achebe portrays an oral society whose members are not psychologically crippled, unable to develop rationally based social structures; rather he writes of a society that has

developed complex social structures but is unable to maintain them under the pressure of colonial intrusion. Orality must not be viewed as a medium that hinders development, but simply a different medium of communication, which requires different forms of social organization in order to maintain institutional structures.

The kinds of institutional legal structures used in Igbo society utilize public debate as a major form of conflict resolution. The Igbo culture regarded oratory as one of the greatest skills a person could attain. Yet throughout the novel most of the decisions for action are not so simple. Within the village community there are often clear divisions in opinion that need to be resolved through political processes. Once again law is expressed in the manner of dispute resolution, members of disagreeing factions were sure to take out their disputes in a public forum.

Throughout Achebe's novels orators are presented as the voices for the political factions within the village, and it is often their skill in oratory and mediation that makes the greatest difference in determining what action the village will take. In Things Fall Apart, the orators are Ogbuefi Ezeugo, Egonwanne, and Okika, each man having his own characteristic style that aids him in his ability to convince an audience of the opinion he wishes to represent. Ogbuefi Ezeugo has the power to "push the air with a clenched fist," and is able to get the audience to respond just from the power of his voice (8). Egonwanne is an orator who tempers emotional flare with cold rationality and is said to be able to "change fire in to cold ash" (141). Finally Okika is considered a fine orator due to his ability to appeal to the audience's sense of corporate history and pride (143).

Curiously enough in Arrow of God orators with the same skills appear to argue the fate of Umuaro. Ogbuefi Egonwanne reappears with the same name in Arrow of God and is scolded by Ezeulu, for not denouncing what Ezeulu considers a rash action (26). Further the two antagonistic heroes in Arrow of God are both orators. Both Ezeulu and Nwaka make their opinions known before the public in heated debates. Ezeulu plays the part of the cold logician in this novel always trying to calm the fiery calls to action by Nwaka (27). Thus the rationale for any legal action taken by the members of the village was presented orally before the whole community so that it not be questioned as to why a sanction was passed.

Also displayed in oral public forums were dispute resolutions between members of the village. In Things Fall Apart there is the striking scene where a man accuses his in-laws of stealing a bride that was rightfully his. The dispute is heard before the council of ancestral spirits. Each side is allowed to present his side of the dispute in the form of a rational argument and then the council makes a decision based upon traditional authority (90). The decision in the case is made based upon the Igbo legal principle of direct restitution. The in-laws are told they must give the bride back, but only after the husband of the bride presents an apology to his wife's family. The ancestral spirits making the legal decisions are actually powerful men in the community who have donned the masks of their ancestors in order to represent the law of their community. These men are not allowed "to be themselves" when they make judgement over other members of the community they must take on the form of spirits which represent the entire tradition of the village, symbolizing a connection to the past as well as the communal nature of village society. Legal decisions that are made through the guise of ancestral spirits serves to objectify the legal position, the law being something higher decisions of normal individuals. Though the decisions of the ancestral spirits has the power in Igbo society that written law would have in European society.

Yet Achebe seems to question the stability of written texts in his novel Arrow of God. Captain Winterbottom is developed as Achebe's representation of a British colonial official. Winterbottom, controlled by the British government, is very often changing the laws that he has made concerning the administration of the native Nigerians. British colonial policy to establish roads and outposts changed throughout the novel. Achebe wishes to make clear that written laws in Nigeria were often in a state of flux. This representation is counterpoised to the presentation of traditional Igbo laws which remain firm. Decisions made by Umuaro's ruling council are never retracted. Oral laws, though described by some scholars as utterly flexible, in Achebe's novels are represented as more firm, bound to the sophisticated social relationships that compose the Igbo village community, than legal texts written by European government officials on Government Hill.

With the onset of colonialism authority is taken from the traditional hands of the elders and placed in the hands of youthful local students with European knowledge.

Those who could read and write were the only ones offered places of influence within the colonial governmental system. In both Things Fall Apart, and Arrow of God the main characters have one of their sons become educated under the instruction of Christian missionaries. In Okonkwo's case this is done unwillingly, as one of his sons chooses to join the Christians among outcasts of Umuofian society, to rebel against his father. Ezeulu on the other hand orders one of his sons to go and study with the missionaries in order that he might have someone in his family with the knowledge of European ways. For Okonkwo the conversion of his son proves to be a great disappointment in his life, further pushing him towards the violent act that will end the novel. For Ezeulu, his son's conversion to Christianity comes with surprising consequences, as his son is found attempting to kill the royal python of the village. The act of rebellion against ancestral laws makes Ezeulu even more wary of the influence of Europeans upon his community.

The sons of both Ezeulu and Okonkwo who become students of Christian missionaries eventually come to believe that the European authority found in books is greater than the authority held by their fathers and traditional Igbo beliefs. Ezeulu's son decides to try to kill the holy python in order to show his defiance for traditional belief, pointing to verses in the Bible as the source of his inspiration. As a part of their Christian education both of the sons are taught to read, an ability that separates them from the non-Christian members of their villages. This ability to read gives both sons access to European institutions of power that are not available to their fathers. They both characters choose to pursue European education and gain access to power through this method than try to reenter their village society and gain titles.

Achebe's third novel No Longer at Ease centers on the result of the pursuit of European education for an Igbo man. This novel focuses on the life of Okonkwo's grandson, the child of Okonkwo's son who chose to become a Christian. Obi Okonkwo, the main character of No Longer at Ease, has been raised by his father to accept with open arms the ways of European culture. He is a representative of a younger generation of Igbo who must confront the colonial regime on a daily basis, and who have come to seek power through it by attaining a Western education.

Obi Okonkwo is described at the beginning of the novel as a young student who recently graduated from a British university and returned to Nigeria in order to take a

position with the Nigerian colonial government. He is appointed as a clerk to the Office of Education, which controls the admission and distribution of school scholarships to native Nigerian students. It is a position that turns out to have great power. Almost immediately after his appointment Obi is courted by people willing to bribe him in order for him to allow their children to be eligible for scholarships to prominent schools. Obi is eligible for such a position only because of his European education; he is picked because of his ability to read and write English at a very sophisticated level.

Obi, like Ezeulu in Arrow of God, may be considered an intellectual, though a very different kind of intellectual than the high priest of Ulu. Obi Okonkwo is a man stuck between two cultures and unlike Ezeulu he has no clear path of action that guides his life. Obi Okonkwo throughout No Longer at Ease seems like a man who is very confused and bewildered by the world that surrounds him. Obi is unable to feel totally a part of either European or Igbo society. His interactions with Europeans are much less than easygoing as he finds the characters of Mr. Green and Mr. Jones both very hard to interact with, strained by stereotypes on both sides. Obi Okonkwo also struggles to keep a close contact with the people of his home village of Umuofia as he gets into a great quarrel with them over his ability to wed Clara, a woman of a lineage that is traditionally considered taboo to marry in his culture. Over this dispute Okonkwo breaks off communication with the Lagos branch of the Umuofia Progressive Union which had helped finance his education in Europe.

Obi is an interesting example of a young person given power in Nigeria for participation in an education that is not traditionally Nigerian. The same attribute that allows him access to power also separates him from the village community, yet does not make him a part of the European community. Obi Okonkwo is left isolated in the novel; his only close associates are other young Western educated Nigerians like himself. In the end he is forced into taking a bribe that ends his career as a government employee because he lacks the community support that might have helped him pay off the debts that he accumulated trying to please both the European and Umuofian communities.

Obi Okonkwo's troubles may be linked to the nature of the medium he must learn in order to be successful as a government clerk. Obi Okonkwo is a student of written English language. At university in Britain he studied poetry and the great works of

English writers, yet in the end he still can not make close connections with English people, even ones that share similar interests. This is because the nature of the written medium requires no social relationships. Reading can be, and is mostly, conducted alone the only relationship created is one between the reader and the inanimate text. A person may sit at home and become aquatinted with a great assortment of people without ever having a chance to physically interact with them. This of course is both a strength and a fault of the literary medium. Obi Okonkwo is deeply schooled in the literature of the English people but has an awkward time actually making relationships with the people themselves.

On the other hand the oral medium requires that one make social relationships. To communicate orally is to get to know a person in a very physical sense, for the interaction usually requires a dialogue rather than a monologue. Obi is not able to connect very well with the village members of Umuofia, as he has not had the time to spend with them to create the social relationships that are required by this medium. Though Obi Okonkwo is required to fulfill certain social requirements based upon kinship relationships with members in his village, he does not feel the strong ties to these people that can be seen in the main characters in Things Fall Apart, and Arrow of God. Obi Okonkwo is not tied to the people in his village lineage group in the same personal manner that those living in traditional communities, tied by the closeness of oral contact might feel. To know the face, and the voice of those to whom you are speaking is powerful in making social relationships.

Obi Okonkwo is also not so well versed in the great proverbs and parables that make up the center of many conversations in Achebe's novels set in earlier eras. In this novel the use of parables is much less frequent, and their meanings seem to have lost a great deal of the weight they carried in his novels set in traditional Igboland. Yet to say that all the trappings of traditional oral society have faded out of No Longer at Ease would be an error.

The law of traditional Igbo society is still held, even for communities far away from their native villages within village societies. In No Longer at Ease the Umuofia Progressive Union in Lagos takes on such a function. They make sure that members of their communities far from home continue to follow traditional practices. Upon Obi's

proposed marriage to Clara it became the role of the Lagos branch of the Umuofia Progressive Union to try to dissuade Obi from taking such an action. By making Clara his wife Obi would have broken a traditional law of his people, thus the Umuofia Progressive Union made it clear that to take such an action would lead to Obi's further ostracism from his native community.

Further the Umuofia Progressive Union is organized in a traditional manner, reminiscent of the council of elders found in Things Fall Apart and Arrow of God. Decisions are made in a consensual manner through oral argument. Yet in the Umuofia Progressive Union the formal structure of the group and the power and import of the community's decisions have waned. The center of much of the Umuofia Progressive Union's discussions are how to establish power within the literate colonial structure, not within their home village. It will then be the roles of people like Obi Okonkwo to bring power to the Umuofia Progressive Union through donations and favors.

The shift in the focus of power from local authority to centralized colonial authority is clearly displayed through the breadth of Achebe's the three novels. Achebe spans a wide range of social situations highlighting the great changes that have occurred in Nigeria, and more generally on the whole African continent within the last 100 years. These works serve as excellent points of study for noticing the dynamic interactions between orality and literacy in our modern world. Through the portrayal of characters, social situations, and political dynamics one is able to develop a concept of how legitimate social, political and legal institutions, interact and function within an oral society.

In Conclusion:

Achebe's novels clearly show some of the dynamics that can occur between societies based upon oral legal structures and those who base their laws upon textual law in print. Achebe has pointed out that oral legal structures can be as stable and as efficient at upholding institutional structures as textual legal systems. By examining Achebe's fictional account of an entire oral society one can clearly see the complexities involved in organizing a community around such a medium of communication. The actual structure

of the society reflects the use of the oral medium as a central and important component. The Igbo people were able to produce great works of art, philosophical arguments, structures of knowledge, and political institutions orally. Throughout the fabric of Achebe's novels one can see the thread of orality as a vital force in binding the Igbo village community together as a productive unit. Oral communication should not be overlooked as a viable component for the creation of strong communities. Communities around the world that use oral structures as their major means of communication must not be looked at as primitive, or pre-literate, but examined for their individual features, and how they choose to use the oral medium to maintain a feasible society. Even in my childhood growing up in an urban center of the most developed country in the world I have encountered orality as a central component of the construction of strong communities. The oral medium can be utilized as a useful technology in education and organization. The temptation for literate scholars to look on orality as something pre-literate should be resisted. Oral communication should be viewed as another technology that continues to hold a valuable place in our modern world, and may be adapted for use in societies in multitudinous ways. The traditional European dependence on text as the center of our legal institutions should not be used as the only model for the study of law, methods of law established by other cultures that make use of orality should be taken seriously. In the examination of the oral medium within societies across the globe one can find great wisdom, artistry, and intelligence.

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