

*“Plate sin with gold,
And the strong lance of justice hurtless breaks;”*
King Lear –Shakespeare (Act 4, Scene 6)

Emmeshment of Zimbabwean law and literature in Petina Gappah’s Rotten Row (2016)

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Abstract

This article assesses the relationship between Zimbabwean literature and Zimbabwean law. This is done by closely reading two short stories, namely from Petina Gappah’s 2016 anthology “Rotten Row”. A discussion of the ever-burgeoning literature and law movement is conducted in order to situate the article within the broader law and humanities interdisciplinary effort. Images of legal figures and legal institutions are assessed in order to determine the portraits they produce in the fiction. The close relationship of the Zimbabwean court judgement and the judgement as storytelling method in fiction is highlighted and explained. It is concluded that Gappah’s fiction is strongly connected to the law and that this is a deliberate story telling strategy.

Keywords: Petina Gappah; law and literature; Zimbabwean literature; Zimbabwean law; African literature; Rotten Row

Introduction

This paper concerns itself with the representation of the law and legal institutions in Zimbabwean literature. This is achieved through analysing Petina Gappah’s short story anthology “Rotten Row”. The anthology has short stories that are centred on the operation of the law and the pursuit of justice by ordinary Zimbabweans. Its title comes from the name of Harare’s magistrates court building. Petina Gappah has been praised as a rising star in Zimbabwean literary circles with her previous short story collection “An elegy for Easterly” and debut novel “The book of memory”. Since Gappah is a lawyer who holds a PhD in law, her fiction is well informed and positioned for an exploratory study into the intersection between Zimbabwean literature and law.

Literature has always been linked with the law. In recent years this has culminated in the advent of a relatively new humanities discipline simply called ‘law and literature’. This discipline concerns itself with academic thrusts such as the reading of legal court judgements as literature, applying literary theories to legislation and court judgements, incorporating literary ideas and quotes in court judgements and also analysing the portrayal of the law and legal figures in popular literature. Although the juxtaposition of law and literature in academic circles is a modern phenomenon, the practice of story tellers including legal figures and concepts in their stories is not. Fairy tales meant to be consumed by children are riddled with legal concepts. Fairy tales from Africa which feature the hare and the tortoise, offer insights into an Ubuntu based legal system. Further abroad, Posner (1986) notes that “Even ‘*Alice in Wonderland*’ ends in a trial - a trial notable for a depiction of the jury system that its critics

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should continue to find apt” (p. 1355). This goes to show the insidious nature of the law in literature.

William Shakespeare’s plays feature legal concepts and lawyers prominently. One of the most quoted passages about lawyers from Shakespearean plays comes from the character Dick the Butcher in “Henry VII”, part two when he states that “The first thing we do, let’s kill all the lawyers” (Shakespeare, Part 2, Act IV, Scene 2). This line has led to debates amongst literary scholars and literary lawyers about the attitude of the playwright towards lawyers and the law. Shakespeare’s oeuvre has so much legal imbroglio that Mackenzie (2006) notes that:

Two thirds—more than 20—of Shakespeare’s plays have trial scenes; the one we discussed from the Merchant of Venice, is among the most memorable in all of literature. The themes explored include the extent to which the law should be used to enforce morals (Measure for Measure); how law can benefit society by channelling the passion for revenge (Hamlet); the impartiality of the judiciary (Henry IV, Parts I and II); the role of the law in protecting one’s reputation against slander (Othello, Much Ado About Nothing, and the Winter’s Tale); the need to avoid rigid interpretation of formal rules and contracts that can have unjust results unless tempered by equity (Measure for Measure and the Merchant of Venice, again); and the principle that no one—not even the king—is above the law (Richard II and King Lear) (p. 2).

Shakespeare’s stature as one of the most respected playwrights in English literature thus forms a base from which to track the evolution of law in literature. The prominence of the law in Shakespeare’s plays shows that the law is a daily lived reality and it consequently should be captured by artists and creatives.

As a historical and cultural progression of William Shakespeare’s Elizabethan England, the Victorian age saw British novelists continuing the tradition of including the law in their fiction. To this day, literary scholars use the term Dickensian to refer to good quality novels reminiscent of Charles Dickens and this era. In terms of the portrayal of lawyers, Charles Dickens’ “Bleak House” has at its centre the perceived notion that the legal system does not do much to swiftly bring justice to citizens. The novel is centred on the fictional case of “Jarndyce v Jarndyce” which drives the plot but doesn’t bring any relief to the parties because the costs of the suit negate the award from the case. Another Victorian novel, Charlotte Bronte’s “Jane Eyre” is also driven by legal events. Allen (1992) states that:

Some of the crucial plot elements in Jane Eyre involve major legal events, namely, marriage and inheritance. Both the discovery of a legal impediment to Jane and Rochester’s union and Jane’s discovery that she is a missing heiress are pivotal plot developments... Bertha’s attempts on the lives of Rochester and her brother, Mr. Mason, are prima facie torts and crimes, legal events of another dimension (p. 188).

“Jane Eyre” thus becomes a female bildungsroman which is inconspicuously driven by matters of the law (Allen, 1992). The novel came of age in Victorian times during the industrial revolution. The fact that law is strongly represented in fiction of this epoch, sets a strong precedent for future novels.

In the 19th century, American fiction followed earlier British examples with authors involving the law in their literature. As an American classic, Wright’s “Native Son” (1940) tackles the intense racism of the Jim Crow legal system and the inaccessibility of justice for African Americans. Capers (2006) opines that:

By the last third of the novel, Bigger Thomas has been arrested and charged with the rape and murder of Mary Dalton. The bulk of the remainder of the novel is devoted to his “confession” and, following his plea of guilty, to his attorney’s argument in mitigation

of sentence, the prosecution's response, and the judge's exercise of what Robert Cover has described as law's ultimate violence: the imposition of a sentence of death (p. 4).

The novel's protagonist Bigger, is exposed to a justice system that does not take into consideration the unfair racial discrimination of the time. In the same vein Lee's "To kill a mockingbird" (1960) shows the failure of the law in safeguarding the rights of minorities and its susceptibility to be overridden by extrajudicial actions of bigoted members of society. In addition, the novel introduced the American public to the character, Atticus Finch. This character gave rise to the stereotypical lawyer stock character who seeks to do good, despite the unfairness of the legal system, found in subsequent legal novels from diverse American authors.

The legal thriller does exist as a burgeoning field in many countries with strong publishing cultures. Some of the most widely read scholars include John Grisham, Mark Gimenez and Robert K. Tanenbaum. These writers have novels that ask deep existential questions of the law and lawyers. Grisham's "The chamber" (1994) questions the humanity of the death penalty and the use of the law to obtain revenge. Mark Gimenez often writes about characters who are depicted as being above the law and how the law is applied unequally as in "The Color of Law" (Gimenez, 2005). However, there have been serious aspersions made towards this genre by critics. These sentiments touch on the lack of artistic merit and inherent sensationalisation of the genre especially regarding the courtroom scenes. Critics are also wary of fields that are meant to produce high volumes and be easily read (Naidu, 2013). The field is generally regarded as being lowbrow literature. In addition, this genre does not practically exist in Zimbabwean literature. For instance, Ebersohn's "Those who love night" (2010) is a legal thriller that is set in Zimbabwe. However, the novel is by a South African author and it follows the tale of a South African lawyer. It is the second volume in a series of South African legal fiction which begins with Ebersohn's "The October Killings" (2009). In addition, it is not an authentic representation of the Zimbabwean legal system because it superimposes South African and English legal structures and traditions on Zimbabwe. It has no genuine Zimbabwean legal system at its core. Critics will have to wait in order to fully analyse whether the local variant of Zimbabwean legal fiction follows international moulds. This would be helpful in adducing whether the genre can be legitimately criticised as lowbrow art.

Although it has been stated that lowbrow legal fiction does not exist, there is also no highbrow, mainstream novel that is centred on the law, a court trial nor significant legal character. This is not to say that there are no novels that deal with crime and its effects. Rather, the focus of these novels is not exclusively devoted to the law and court processes.

At the onset Gappah sets out to declare "*Rotten Row*" as an anthology centred on Zimbabwean law and justice. As mentioned earlier Rotten Row is a building which serves as the seat of the Harare magistrates court and Gappah is at pains to make this clear to the reader. Gappah gives an introductory note (p. ix) to the reader detailing the precise physical location of the court in Harare and its importance in local legal practice. The author intones that the stories "are about the kinds of strife, tensions and conflict that sometimes end up finding their only resolution at the courts" (p. x). In the acknowledgements section Gappah notes that "*Rotten Row* is a book about the relationship between the law and justice" (p. 339). Gappah goes on to thank prominent Zimbabwean lawyers amongst which former finance minister Tendai Biti, former education minister David Coltart, human rights advocate Beatrice Mtetwa are countered together with retired Chief Justice Tony Gubbay who provided "precious gems from his library" (p. 341). In addition, law lecturers Lawrence Tshuma, Kempton Makamure and Pearson Nherere 'have memories I have invoked in a story in this volume' (p. 341).

The acknowledgments are not simple, innocent outpourings of gratitude. Instead they are evidence of the influence of Zimbabwean lawyers on Zimbabwean literature. This is because law lecturers provide inspiration for the fiction in the anthology and a retired Chief Justice provides library material to the author for consideration in a creative endeavour. The anthology from the genesis becomes a product by Gappah, a lawyer cum writer with a PhD in law, who seeks to write the law into literature and it is heavily influenced by various Zimbabwean lawyers and legal figures. *Rotten Row* therefore becomes the perfect test subject for an exploration into the relationship between Zimbabwean law and literature and in particular the portrayal of legal figures in literature.

Legal obfuscation and the making of a lawyer

Lawyers are trained in law school and so naturally it makes sense to start the enquiry of the lawyer figure at this educational institution. In Gappah's anthology the law school is captured in all its glories, frailties and anecdotes in the short story 'Comrade Piso's Justice'. The short story is about Comrade Piso, a law student who is a member of a social gathering of law students called the Quorum. The Quorum is a collective of lazy law students who get through law school by doing the bare minimum and indulging in gossip. As a student coming from a poor rural background, Comrade Piso blends with the members of the Quorum. Eventually however, Comrade Piso begins to form distinctly elitist habits, develops an accent and starts to take his school work seriously. After law school, Comrade Piso excels and he moves from a top tier law firm, to a listed beverage company and even a merchant bank. Things take a turn for the worse and he leaves the bank only to be arrested for not paying a prostitute and disorderly conduct. He gets a reprieve from serving his full sentence however because of a presidential pardon and he becomes a provincial governor.

The story has its setting at the UZ law school. This is an institution where young high school graduates are trained for future careers as lawyers. One of the foremost expectations of the legal profession is that members should learn its jargon. This is because according to Ledwon (2010, p. 279) law school is an initiation and rite of passage. The narrator says "we showed off the new language we learned: *contra bonos mores* and *in flagrante delicto*, *mutatis mutandis* and *mero motu*" (p. 254). Before the title 'Comrade' is settled on for use by members of the group 'paterfamilias' is also used. This is the Latin term for a head of a household used extensively in Roman Dutch law. The introduction to Latin legal maxims is a necessary part in the road to becoming a lawyer. As the reader comes across this legalise, it signals the allure and mysticism the legal profession is associated with. This is simply because the Latin terms are strange and inaccessible to the average reader who is not trained in law nor the classics. At this stage of the narrative the reader is thus consequently shown glimpses of where the jargon thrown about by experienced lawyers comes from.

It is not only Latin terms that are brandished as badges of admission into the legal profession. Catch phrases and aphorisms are used by the members of the Quorum as a way of internalising the important aspects of their discipline. This is because the members "dismissed opinions as frivolous and vexatious, we said claims were vague and embarrassing. We talked about the man on the Clapham Omnibus; we made crude jokes about piercing the corporate veil; we described the law student who lost her head in an exam as an unfit and improper person" (p. 254). These terms are everyday phrases for the lawyer but for the ordinary citizen and reader they are unclear and possibly intimidating. For instance, the phrase 'the man on the Clapham Omnibus' is used by judges to determine what a reasonable man would have done when questions of negligence are brought up in law suits. This legal obfuscation serves to alienate the reader. What begins to emerge therefore in the short story is a narrative written by a lawyer for lawyers.

'Comrade Piso's Justice' is a story that corresponds with what is becoming a sub-genre of the British school story but in this instance focusing on the law school (Ledwon, 2010, p. 76). These stories are essentially *bildungsromans* and they come in the form of fiction and memoir

with Kahlenberg's "Broken contract: a memoir of Harvard law school" being one example (Ledwon, 2010, p. 276). 'Comrade Piso's Justice' follows the *bildungsroman* narrative because of the steady character development of the protagonist and his eventual maturity into a successful lawyer. This is because from being a law school gossip and layabout (p. 255), Comrade Piso eventually "went on to one of those three-name white firms that specialised in corporate and commercial law and recruited only through selective headhunting. This was a stunning achievement for him" (p. 253).

Central to the making of a lawyer and the legal profession in general is case law. Case law contains the reported judgements of courts of law which can be found in law reports. Case law helps to set precedent and to persuade judges when arguments are made in court by lawyers. In the story 'Comrade Piso's justice' there is numerous reference to case law. Just like the legal maxims quoted by the Quorum, case law is an important marker of a lawyer. The cases cited in the story are: R v George Joseph Smith; Salomon v Salomon; In Re Southern Rhodesia; Madzimbamuto v Lardner-Burke; and R v Beddingfield. Through the quoting of case law, the narrative begins to appeal more and more to the lawyer rather than the general reader. This is mainly because the cases are referred to in passing and no explanation is given as to what the cases were about. Explaining the context behind the cases would make the narrative more accessible to the general reader. This is because the cases are referred to by the narrator in the context of trying to explain Comrade Piso's academic arguments and increased intellectual reasoning.

Comrade Piso's increased attention to his studies signals the metamorphosis of his character which is a central theme of the story. Simply put, the cases cited by Comrade Piso are complex and the attention he pays to them shows he is becoming serious about his school work in stark contrast to the other members of the Quorum. The narrator speaking on Comrade Piso's newly found academic inclination says "He tried to convince us that there was more to *R v Beddingfield* than the statement: 'See what Beddingfield has done to me'" (p. 255). The case is about admissibility of hearsay statements in court and in the case, it is alleged that a woman who had her throat cut made the statement quoted by the narrator. This woman's statement was not allowed into evidence by the Judge and later legal opinion found this to be a mistake. The fact that Comrade Piso tries to show the Quorum that it is a complex case adds weight to the fact that he is taking his studies seriously. Gappah does not make the connection of the case to Comrade Piso's intellectual maturity obvious to the general reader. Only lawyers can identify the link thus alienating and subalternising the general reader.

In 'Comrade Piso's Justice', the type of lawyer the law school produces is also an object of enquiry. This is because the reader is given a front view seat into the post law school careers of the members of the Quorum. The Quorum is portrayed as a delinquent group with Comrade Piso being its only redeeming member because of his sudden scholarly paradigm shift. This change however, only lasts as long as the college days because it is later revealed that Comrade Piso becomes an unethical lawyer. The circumstances around Comrade Piso's departure from the Merchant bank are clothed in secrecy and mystery. "From what we gathered he left the bank under something of a cloud, though the details were never explained. There was a whiff of criminality about his departure, there was something about it that smelled of fraud" (p. 260). Comrade Piso escapes sanction for the mishap at the bank and according to the law society he remains a "fit and proper person" (p. 260) unlike the mentally ill student the Quorum mocks as an "unfit and improper person" (p. 254) during the law school days.

Comrade Piso becomes a lawyer who does not believe in the legal system and engages in corruption and bribery. This is because he openly admits this to the narrator who is a former member of the Quorum and a practising lawyer. Comrade Piso attempts to defend a drunk driver who had killed two people and three people previously. He then concedes that bribery in this case probably won't work. "the usual inducements are unlikely to work in this case. I was startled to hear him say this, we all know how the usual inducements work, but it was

shocking to hear a fellow solicitor admit so breezily that he used such methods” (p. 261). Comrade Piso’s luck eventually runs out however when he is sentenced to jail for not paying a prostitute and the ensuing disorderly conduct. He is disbarred for this and the narrator gives a grim prognosis by musing “Once the law society strikes you off, your life as a lawyer is finished” (p. 263).

Unethical behaviour is not only exhibited by Comrade Piso. The narrator also engages in unethical behaviour as a lawyer. The narrator bills two clients for the same hours and charges clients the highest rate for cases that can be resolved by a simple token admission of guilt fine (p. 262). The ex-members of the Quorum unsurprisingly graduate into the world of unprofessionalism and corruption. This therefore completes a linear narrative running from the days of being lazy students to the days of being unfit and improper lawyers.

Literature and the court judgement

As explained above, the written court judgement is central to the legal profession. One of the major thrusts of the law and literature sub discipline is the reading of court judgements using literary principles and theories. One such method used by legal scholars to study judgements taken from literary studies is content analysis (Hall, 2008). Another thrust is the analysis of court judgements that have references to literature because court justices occasionally refer to famous literary texts in their judgements. This is not an innocent endeavour by court judges who happen to be fans of a particular writer’s work. Rather, this practise positions literature as a powerful tool in shaping and informing the law of the land because court judgements make up the law. DeStefano (2007) posits “When the assertion is lifted straight from another work, a judge has no alternative but to cite, and in citing, to invoke the work’s authority. A direct quotation of literature, even non-binding, novelistic literature, requires attribution as a matter of academic honesty” (p. 529). A novel becomes an authoritative entity and it thus contributes to a country’s jurisprudence. Having established the ways in which discipline of law and literature handles judgements, this paper now looks at how the judgement is treated in Gappah’s anthology. Although snippet references to the importance of the judgement are made in ‘Comrade Piso’s Justice’, the story that best tackles this subject in Gappah’s anthology is ‘In the matter between Goto and Goto’.

‘In the matter between Goto and Goto’ comes in the form of a court judgement. It is a High court judgement on a divorce application. Naboth Goto is the husband married to Immaculate Goto and he seeks a divorce because Immaculate has not produced children for him. Naboth also complains that he is denied his conjugal rights but Immaculate responds by saying this is because Naboth has infected her with venereal diseases three times. Immaculate opposes the divorce proceedings initiated by Naboth because of her Christian belief and she claims they are forever married in the eyes of God. Naboth adds insult to injury by moving his concubine, Benevolence Mhlanga, into the family residence and fathering two children with her. In response Immaculate sues Benevolence for loss of consortium and *contumelia*. Ultimately the Judge grants the divorce by saying the two parties cannot be forced to remain married to each other and she dismisses the suit against Benevolence because it is improperly before the court.

In this short story, Gappah becomes a literary pioneer in Zimbabwean literature because of her use of the epistolary form and the judgement style of storytelling. This is because the epistolary form is severely neglected in Zimbabwean literature and Gappah is the first Zimbabwean author to deliver a short story entirely in the form of a court judgement. The judgement serves as a frame device through which Gappah tackles contemporary Zimbabwean social vices and complicated legal concepts as they are applied to a fundamental social institution like marriage. The frame is a literary stylistic device colloquially referred to as a story within a story. Famous examples of this include Chaucer’s (1400) “Canterbury tales”, which has the frame of a religious pilgrimage and Conrad’s (1899) “Heart of darkness” which begins as a story told by a narrator who is on a boat on the river Thames in London.

The judgement as a story telling format does not serve as superficial and frivolous decoration. It is strategically deployed to demonstrate the enmeshment of Zimbabwean law and literature. Gappah uses this story to show that the law is not divorced from the daily lived reality of ordinary Zimbabweans and it is not only a tool for justice and recourse but it is also fair. It would have been difficult for Gappah to demonstrate this without resorting to a form central to the legal profession like the judgement.

Theoretically, this paper finds itself in uncharted territory. There is no template for interpretation and theorisation of the fictional court judgement. This might be because it is a new story telling method employed by Petina Gappah. It has been stated earlier that some scholars apply literary techniques to real life court judgements. This is in order to see if new meanings and understandings of the law can be extracted from philology. It would be futile therefore to apply literary criticism to the fictional court judgement because it is already a literary narrative. No new insights outside those revealed by ordinary literary criticism would be gained.

What appears in 'In the matter between Goto and Goto' is a commentary on how literature can benefit from legal opinion. The fictional judge in the short story Antonia D Dendere, draws on real life cases in order to inform her reasoning. The real-life Zimbabwean High court case of "Njodzi v Matione" decided by Judge Mwayera in 2016 is referred to by the fictional Judge Dendere. The fictional Judge Dendere quotes from Judge Mwayera's judgement and uses the same case authorities she uses. Judge Dendere agrees with Judge Mwayera's assertion that marriage is an important social institution and uses it to decide on the case of Goto v Goto. In Judge Dendere's fictional universe there is no difference between her court and Judge Mwayera's. Both her and Judge Mwayera operate from the same high court and this can be seen in the words; "[48] This decision was cited recently by this court in "Njodzi v Matione" [2016], where MWAYERA J stated that ..." (p. 277). The phrase 'this court' (p. 277) is evidence of a continuum between Zimbabwean law and literature. These two disciplines therefore have an established and symbiotic relationship.

Whilst it has been established by law and literature scholars that literature influences legal judgements and the law, there has been no comment on the ways in which the law affects literature. That is, how does the introduction of legal concepts and doctrine affect the narrative? It is revealed in 'In the matter between Goto and Goto' that there is a marriage dispute between two fictional characters namely Naboth and Immaculate Goto. The law has clearly prescribed methods of dealing with divorce cases. The resolution of their conflict is guided by legal precedent and the law. The reference to statute and case law creates a straightjacket which gives few avenues through which the conflict presented can be resolved. In other words, because the Gotos seek remedy from the courts the law is applied to give a mechanistic, easily replicated solution. There is no room for creativity and the narrative suffers because of this. Suspense becomes limited with no potential for plot twists and surprises.

The short story 'In the matter between Goto and Goto' reveals the inner workings of the court process and the behind the scenes events that take place. This is because events that occur in Judge Dendere's chambers are revealed in the judgement. Naboth Goto's "insistence on bringing Miss Mhlanga into these proceedings was an unnecessarily aggressive and provocative act. It is regrettable that I had to suspend proceedings while the High Court security officers separated the two women and rearranged the furniture in my chambers" (p. 272). This shows that a physical altercation happens in the Judge's chambers. Events that occur in this space are not usually meant for public consumption as evidenced by the straight forward nature and seriousness of real life judgements. Additionally, in this scene Gappah infuses some of the humour she is renowned for in order to give life to legal proceedings considered by many to be dull and mundane.

Judge Dendere reveals the chamber episode in order to show the readers of her court judgement that Miss Mhlanga is a provocateur and an impediment in the lives of the Gotos. This is a firm slight on Miss Mhlanga's character. The altercation in chambers however has nothing to do with her legal opinion. Judge Dendere demonstrates her personal non-legal opinion in certain sections of the judgement. For instance, she cautions Naboth "not to disturb his life unduly" (p. 280); thus, transforming herself from legal adjudicator to moral philosopher and life coach. In the story the Judge is shown to be human and more than just a repository of legal facts and administrator of justice. As Chong (2009) observes, "Fictional images of lawyers and judges not only reflect but arguably also influence our attitudes toward the legal system, and offer a concrete way of conceptualizing abstract legal concepts" (p. 1). As a lawyer, Gappah is aware of this fact and the power her pen wields when it comes to influencing public opinion on the Zimbabwean justice system. Judge Dendere seems to be a counterweight to the unscrupulous lawyers in 'Comrade Piso's Justice' in order to bring out a balanced portrayal of Zimbabwean legal figures.

The short stories in "Rotten row" are interconnected. Some characters reappear in different stories throughout the collection. In another short story, "A short history of Zaka the Zulu", Judge Dendere's judgement is discussed. Judge Dendere hands the death penalty to Zaka, the protagonist of the short story, for the killing of his high school friend Nicodemus. As a result of Zaka's conduct at the trial, Judge Dendere has no option but to impose the death penalty. "Zaka had refused to speak or offer any justification or defence. He had said nothing, and it was that silence that finally condemned him. There were no extenuating circumstances. It was a killing without purpose the judge said, without mercy or remorse. There was only one sentence possible: death by hanging" (p. 113). The circumstances of the case and the conduct of Zaka, force Judge Dendere to impose 'law's ultimate violence'. This shows that Judge Dendere is fair and impartial in dispensing her duties. Her judgement shows reasoning and close adherence to the legal formalities and precedent.

This, however, has the effect of stifling the narrative. This is because Zaka is the victim of blackmail from Nicodemus for several years and it takes its toll on him. The blackmail results from a youthful homosexual liaison between Gumbo and Zaka during their high school days which Nicodemus had become aware of. Gumbo eventually kills himself after being caught stealing money to satisfy Nicodemus's extortion demands. As in 'In the matter between Goto and Goto' legal rules and their application bring about a narrative that is constrained in this short story. There is poetic justice because Zaka avenges Gumbo's death which was caused by Nicodemus. However, he is punished for it by the law through Judge Dendere's judgement. There is conflict therefore between the literary envisioning of justice as advocated for through the artistic concept of 'poetic justice' and the cold, formal and restrictive persuasion of justice the law of Zimbabwe holds. The morality of the law thus becomes questionable as represented in the fictional court judgement.

Conclusion

This paper examined the portrayal of lawyers and the close relationship between Zimbabwean law and literature. In the short story "Comrade Piso's Justice", it was discovered that Petina Gappah is at the forefront of depicting Zimbabwean legal institutions in her fiction. The law school was revealed to be an institution which is a rite of passage for the lawyer. It sets apart the ordinary person from the trainee lawyer because of the type of instruction received there. There is legal obfuscation involved in legal training and the jargon of the profession is inaccessible to the layman. Legal concepts, cases and Latin terms are deployed by Gappah to demonstrate that the law is an elite profession accessible to a few. Furthermore, the analysis showed that lawyers are not always righteous members of society involved in the pursuit of justice. This is because of the narrator's unethical professional behaviour and Comrade Piso's disbarment.

In the short story, “In the matter between Goto and Goto”, it was demonstrated that the judgement is a part of Zimbabwean literature. Petina Gappah uses the form of the judgement to convey a legal story centred around divorce proceedings. Zimbabwean literature and law were shown to be linked through the quoting of real life court judgements to further the narrative. Judges were shown to have personal opinions in addition to the legal opinions they are expected to hold. The reference to legal processes was shown to be problematic to the narrative structure of fiction because of the rigid nature of the law. The Zimbabwean literary tradition has not been alive to the enmeshment of the law in literature. It is hoped that this paper has advocated for more nuanced analysis and examination of the influence of the law in fiction.

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