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INTERNATIONAL BOOK ESSAY

Militarism and Law in Africa: A Governing Paradox

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Samuel Fury Childs Daly. *Soldier's Paradise: Militarism in Africa after Empire*. Durham, NC: Duke University Press, 2024

Introduction

The African continent has experienced a recent surge in military coups. Within the last three years, seven states have yielded to political control by men in uniform, leading some commentators to conclude that a "coup wave" is sweeping across the "coup belt," consisting of the Sahel and West Africa region (Vines 2024). Some pundits have predictably described these coups as "creating failed states in West Africa" (*The Economist* 2023). The specter of state failure and collapse haunts postcolonial nation-states, especially states on the African continent (Rotberg 2003). Militarism is typically interpreted as either evidencing or foreshadowing a country's political, economic, and social demise as well as a slide into anarchy, with some studies associating military dictatorships with the outbreak of non-international armed conflicts (Fjelde 2010). In *Soldier's Paradise*, Samuel Fury Childs Daly offers a rare history of law's imbrication with military governance that challenges these prevailing accounts of militarism in Africa.

While Nigeria is the primary setting for *Soldier's Paradise*, the book ambitiously journeys through former British African colonies and references experiences elsewhere in Africa. Central to the book's account of militarism's ideology is a vision of paradise: a soldier's paradise. Decolonization is the ethos of this ideology, where militarism imagines itself as a liberatory "otherwise" to colonialism (208). Militarists insist that discipline and stability are the heart and soul of their project. The indiscipline of the political class is the inciting incident for military coups (63); discipline offers an explanation—maybe even a justification—for the violence that dictators enact against those they govern (64, 85); and discipline of self and in governance is militarism's vision for the ideal society (83, 84). In practice, however, militarists have persistently failed to achieve this vision; "in creating a paradise

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neither for the rich nor the poor," militarists instead have built "a ramshackle utopia for themselves at the expense of everyone else" (8). In *Soldier's Paradise*, Daly embraces these contradictions as immanent to militarism and, in so doing, tells a story of militarism as a complex (and not, he insists, incoherent) decolonial thought––and set of practices––central to Africa's modern history. The text has six chapters, with an introduction and a conclusion (or "coda").

Liberating ideology and legitimating legalities

In the first part of the book, Militarism as Civilization, Daly presents what can be understood as a decolonial theory of militarism. Military dictators conceptualize their project as pursuing the liberation of society from corrupt colonial ideas, ideals, and institutions preserved by postcolonial elites (5). Daly frames militarism (chapter 1) as existing within a paradox: the military class was created by colonial powers, and soldiers embodied European military training and education. However, these men, nonetheless, defined themselves as anticolonial warriors who embodied Indigenous traditions and whose values they hoped to cultivate across government and society. Daly presents in chapter 2 the philosophical scaffolding for militarism: discipline. Here, again, we encounter another paradox: for all the talk about discipline, most dictators effected "unbridled power grabs," and their governments were often just as, or even more, corrupt and undisciplined as the civilian governments they criticized (67). Daly continues the theme of militarism's promise of decolonization within the specific context of the judicial system, discussing the role of the judiciary (and specific judges) in constructing legal legitimacy for military governments. Some judges adopted the theory that revolutions were a valid path to establishing a legitimate government, and judicial pronouncements from these courts became foundational for establishing the legitimacy of military regimes across Africa.

Daly begins the second part of the book by testing militarism's claim of being a return to Indigenous legal traditions (chapter 4). While many military governments paid lip service to customary laws and performed some degree of deference to traditional (legal) institutions, Indigenous values and systems were only recognized in so far as they were consistent—and did not interfere—with the goals of military administration. In this sense, military governments handled traditional legal institutions much like colonial authorities did: they co-opted them for administrative purposes and subjected them to "repugnancy" tests. Daly uses the contestation between Fela Anikulapo Kuti ("Fela") and the military as a framing device to discuss how militarism asserted its legitimacy through the legal mechanisms of pseudo-judicial commissions of inquiry (chapter 5). The narrative then continues with a discussion of how militarism uses judicial apparatuses—in this case, adjudicatory tribunals—to perform fairness and justice (chapter 6). Here, the narrative is anchored by the sham trial and conviction of the Ogoni Nine by tribunals set up under the dictatorship of General Sanni Abacha. The capital execution of the defendants provoked global condemnation, both within the country and internationally. In the text's conclusion, Abacha's regime is at the center of Daly's analysis of the failure of militarism. This failure is marked not just by the brutality of the regimes and the condemnation that the violence instigated but also because the regimes collapsed into the traditions of excess and corruption that they were supposed to curtail. As Daly observes, "[t]he disciplined utopias that African armies imagined never came to pass" (208).

Crucially, Daly appears to understand the decadence that characterized Abacha's regime as singularly unique in the country's long engagement with militarism. He writes, for example, that "[u]nder … Abacha, 'military liberalism' gave way to state-sponsored theft, terrorism, and murder" (187). He also assigns the failure of military dictatorships to "the last years," during which time "soldiers lost their sense of purpose," and "militarism lost its coherence as an ideology, and the vision of discipline gave way to a regimen of punishment that had no goal besides keeping the military in power" (188). The necessary implication here is that these vices did not characterize the earlier years of military dictatorship. However, this suggestion is in tension with the history that *Soldier's Paradise* skillfully presents. Nearly all military regimes in Nigeria were characterized by an ugly medley of corruption (16, 91), state-sanctioned violence (91), and murder (199). Within this context, the Abacha years were consistent with the longer history and experience of military rule and are perhaps better understood as the logical culmination of militarism.

Complicated legacies of activists and jurists

Yet *Soldier's Paradise* offers an unforgettable telling of Nigerian military history, which allows for sharpening historical truths that have dulled in mainstream recollections. One place where this is particularly apparent is in the text's handling of Fela's legacy. Daly correctly notes that, while Fela is memorialized in popular culture as a celebrated activist, this memory is at odds with the public perception and treatment of Fela in his times. Indeed, Fela, his protest art, and his counter-cultural lifestyle were given the pariah treatment. Similarly, the text's close reading (particularly in chapter 3) of celebrated Nigerian jurists like Professor Taslim Elias, Justice Udo Udoma, and Justice Chukuwdifu Oputa (who all served as judges on the Nigerian Supreme Court) offers a much-needed reminder of the complicated legacies of heroic historical figures.

However, *Soldier's Paradise*'s memorable depiction of history is less sharp in its treatment of Nnamdi Azikiwe. Notably, Daly asserts that Nnamdi Azikiwe ("Zik") was elected president of Nigeria in 1960 (14). In fact, however, Zik was only elected president in 1963. For the first three years after independence, Nigeria operated a constitutional monarchy, and the British Crown appointed Zik to serve as governor-general. In fact, the text does not acknowledge Zik's role as the queen's official representative. To point this out is not to nitpick; this detail is precisely important in a text like *Soldier's Paradise*, whose project consists of tracking colonial continuums. *Soldier's Paradise* adopts a tone that almost celebrates Zik as a radical anti-colonialist (15)—which, to be sure, he was—and connects this anti-colonial persuasion to Zik's later appreciation and even endorsement of militarism and military rule (14–15). However, the necessary qualification for this account of Zik was that he embodied the imperial legacy in the early years of post-independence. This qualification is not marginal; it provides a missed opportunity for *Soldier's Paradise* to reflect on the ways in which anti-colonial nationalism, even in its so-called radical form, embodied some of the tensions between the liberatory and disenfranchising tendencies of militarism.

Opposites and unsettling assumptions about military rule

Throughout the text, Daly demonstrates an acute sense of the many opposites contained in the theory of militarism that he proposes. His awareness of this tension is best captured in the sentence: "The adverb I have used most in this book is sometimes" (207). The word "sometimes" conveys that the text ascribes characteristics to militarism that are essentially provisional and even contradictory. Militarism as an ideology is coherent but inconsistent (32, 33). Military regimes revere structure but favor the perceived flexibility of customary legal traditions (139). Militarism possesses an "intelligible legal form," but this form is also rather difficult to grasp (33). Dictators were populist and popular, but they were also unpopular (25). One gets the sense from these contradictions that militarism's true strength was in its capacity to iterate the demand of power and government. This is another quality that military regimes share with colonial governance and logic: the ability to suit itself to the needs of specific situations (Adébísí 2023).

Soldier's Paradise is ultimately an exercise in critical redescription that unsettles assumptions about military rule in three important ways. First, it subverts the trope of military officers as "men of action" and presents them as also, and especially, as "men of thought." The thoughts of these men, painstakingly extracted from the documents they produced (or caused to be produced), are collected to offer a coherent theory of militarism as an ideological venture. Second, he complicates the oft-presented image of military rulers as unwelcome demagogues who forced their way into power through violence and brutal force. He instead shows that military rulers were not just populist but that they often had popular support during the initial phases of the coup. Third—and where the text most succeeds in its goal—Daly tackles the question of the rule of law and its place in militarism. Contrary to popular interpretations that understand militarism as the antithesis of the civilian legal order, the text demonstrates militarism's reliance on institutions of civil law—especially the judiciary—for its legitimacy.

This review of *Soldier's Paradise* has two aspects. The first is to understand militarism as a project of imagining "otherwise," which is embodied in the text's decolonial theory of militarism. The second is to understand what things are made and unmade, what stories are told, retold, and even untold in the quest to offer a convincing account of militarism as an ideological, decolonial venture.

Towards a strong traditional polity: a decolonial theory of militarism

Militarism in Africa has long been associated with state failure. As Daly writes, "Africa's long dalliance with militarism persuaded all kinds of people that independence had been a failure" (81). But *Soldier's Paradise* presents a different account of militarism. Culled largely from documentary records, this account foregrounds the decolonial ambitions that military rulers claim(ed) to nurture (5–6). Contrary to the association with state failure, militarism is framed as an intervention to prevent state failure or resuscitate a failed or failing polity. One object of the text is to present militarism as a sincere—even if mistaken—belief that "martial philosophy" could curtail the colonially inflected excesses of government in the postcolonial state (8). It is not an apology for military rule. Its account of life under military dictatorship is candid even as it tries to avoid gratuitousness. It is attentive to the ugly reality of living as subjects under military rule but is also cognizant that this reality is just one side of a complex story. Daly takes military dictators' accounts of their sincerity—and even benevolence—seriously (and maybe a little too seriously) but, remarkably, avoids sliding into the banality of "bothsideisms."

Soldier's Paradise is certainly not the first text to consider the motivations of military regimes and their dictators (Geddes et al. 2014) or to even map a utilitarian perspective onto militarism (and military intervention). As far back as 1943, Carl Friedrich (1943, 541) argued that American militarism, when exported, could "re-establish the rule of law in lands which have been deprived of that first condition of self-rule." Whereas Friedrich considered militarism within the context of war with, and occupation of, another state, Daly is interested in "homegrown militocracy" (2). Still, both scholars land at a similar theory of utilitarian value: militarism can be applied to provoke a resurgence of the rule of civil law within a state. Daly is particularly attentive to the paradox contained in this position, and he locates the tension within the historical context of African states as political entities midwifed by European empires.

Militarism on the African continent cannot be deracinated from colonialism. Empire relied on military power—and produced a class of trained military men—to maintain its hold on colonized territory (Ahire 1990). Accordingly, the integration of military power within the sphere of domestic governance is a bequest of colonial rule. However, Daly argues that it would be too simplistic to understand military rule in postcolonial states as an extension of colonial rule or even solely as neocolonial projects (9, 10). Instead, many military dictators espoused anticolonial ambitions, and militarism—as an ideology—can be understood, in some respects, as a decolonial praxis. Colonialism produced an elite class of European-educated Indigenous persons who participated in colonial administration; they formed the bourgeoisie class and Indigenous "political elite." After independence, when the Europeans "left," these elites stepped into the shoes of the British in the most meaningful sense of the expression: they adopted the same hostile relationship to the proletariat and the same extractive relationship to the nation-state that the Europeans had nurtured (Adébísí 2023).

In the newly minted postcolonial states, public resources continued to be alienated for the private benefit of the elite (otherwise known as political corruption), and Indigenous agitations for self-determination remained suppressed. In other words, the post-independence status quo reflected a continuation of colonial practices; there was a failure to truly decolonize. Thus, militarism became an attempt organized "from below" to remedy the failure to decolonize by uprooting the oppressive colonial ideals of the ousted civilian government (6). Military rulers sublimate institutions and systems that, in their view, represent the colonial continuum. This (temporary) erosion of the civil legal order should be understood as working toward true decolonization, which prioritizes the hitherto marginalized subaltern. In this sense, military rule is instrumentalized violence against the colonial à la "wretched of the earth" (Fanon 2004). Military rule, in this sense, partly fulfills democratic ideals: it is the government of the people and for the people, even if not by the people, and is made necessary because civilian governments failed to abide by democratic values.

Of swords, pens, and gavels

There is no getting around the fact that rule by military power—the ability to exercise control over a polity—arises from the might of the metaphorical sword. However, *Soldier's Paradise* is also interested in why these officers understood themselves as being authorized to exercise such power. Why did soldiers believe they were right—and perhaps even obligated—to overthrow democratic governments? *Soldier's Paradise* takes two routes, which intertwine often, to resolve the question of legitimacy within militarism. One route follows the pen of military dictators to understand the sensibilities and the logic that informed the decision-making process of these regimes. The other route tracks how judges and judicial officers serving under military dictatorships both facilitated and curtailed the exercise of power by the state.

Many scholars agree that military regimes typically require civilian support to maintain a hold on power (Geddes et al. 2014), and *Soldier's Paradise* supports this consensus. From the very introduction of the text, Daly signals militarism's entanglement with the institutions of civil law, especially the judiciary (12). Chapter 3, subtitled "The Jurisprudence of Military Revolution," is a clever portrayal of military governments and the judiciary as unlikely fellows working hand in hand to maintain a tenuous hold on the rule of law. "It was judges," Daly correctly notes, "who translated [the military's] vaguely conceived promises of 'order' into tangible policies" (105). Yet judges were not just translators. Sometimes, they manufactured legitimacy for military governments by creatively applying legal principles and helped export such legitimacy across the continent (113).

However, judges were not simply puppets of the regime. They also tried to raise standards against the states' exercise of power. Some judges tried to preserve what they could of the civil legal framework, seeking loopholes in military logic and trying to smuggle in democratic values.[1] Such maneuvering was an uphill battle, and military regimes were quick to nullify unwanted judicial decisions. In militarism, two legacies of colonialism bumped against each other: rule by might was a legacy of colonialism, but colonially introduced principles around the "rule of law" were also a way by which the judiciary attempted to curtail the military's might. While it is incontrovertible that military regimes interfered with key devices of civil governance, it is also true that, more often than imagined, dictators opted to negotiate their powers in judicial arenas such as civil courtrooms (as in E.O. Lakanmi's case), military tribunals (as in the trial of the Ogoni Nine), and in pseudo-judicial commissions of inquiry (as in Fela's case), even when such proceedings were merely performative.

Whereas the reasoning and judgments of courts and tribunals are accessible, given the tradition of text inherent to such proceedings, attempting to understand dictators' accounts of themselves presents as significantly more challenging. One of the limitations militating against this undertaking is that military training often makes for reluctant rhetors (28–29). To get around this limitation, including the additional limitation of the decision to forego oral interviews, Daly draws from decrees, speeches, gazettes, court cases, newspaper articles, and biographies to

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[1] See, for example, Lakanmi & Kikelomo v. Attorney-General (Western State) & Others, [1971] 1 UILR 201, 221–22.

"capture the attributes of militarism as an ideology" (30). This approach certainly makes for an insightful—and even novel—account of military rule across the continent. Presented through the pen of military rulers, coups are tools of salvation, reluctantly wielded to redeem the state and its people from the rot that is endemic to the ousted government.

While this tale of saviorism might have been what military officers conveyed as their motivations, there is little evidence that this was how they truly thought about their intervention. Indeed, several scholars—including Samuel Decalo (1973) and Daly—note that military regimes were often as corrupt as the civilian governments they deposed (8). Even worse, these regimes violently quelled attempts to challenge such corruption (Human Rights Watch 1992). Similarly, Daly notes correctly that "most [military dictators] claimed to be temporary" (67). Yet he elevates this claim as constituting an ideological belief: "[M]ost military regimes believed themselves to be temporary" (39). However, the actions of dictators suggest that most did not want to be "temporary"; most tried to remain as long as possible and, possibly, forever. So the question that haunts the text is why its ideology of militarism should privilege the scant record of what soldiers said and wrote over the vast evidence preserving what they did (28).

As far back as 1973, Decalo––a scholar of military regimes––warned against "a general tendency to accept officially enunciated reasons for takeovers as valid" (Decalo 1973, 110). *Soldier's Paradise* is especially vulnerable to this tendency, given the choice to write from "documents rather than interviews" (30). After all, it is not uncommon that oppressive regimes, including imperial regimes, say they are doing something different than what they actually do. Daly's leaning on the stories told by military leaders limits the text's ability to grapple with the contradictions between what the militarists espoused and what they practiced.

To be sure, the text does not shy away from acknowledging the many vices of military regimes. The concern, however, is that Daly presents these vices as inconsistent with the ideology of militarism. He asserts that soldiers "saw themselves" as embodying decolonial ambitions (81). Military dictators made this claim, but their actions, as the text notes, mostly contradicted it (85). Daly's decolonial theory of militarism reads the words of dictators as evidence of their thoughts and interprets contradictory actions as inconsistent with their ideology. A different approach might have been to take their actions, which *Soldier's Paradise* carefully documents, as evidence of their thoughts. Far from sustaining a decolonial theory of militarism, this second approach would have validated the prevailing sentiment of militarism as a brutal and violent regime driven by the petty ambitions of megalomaniacs.

Ultimately, *Soldier's Paradise*'s central provocation is in its "telling" of militarism as a strain of decolonial thought, just like anti-colonial nationalism. This reading is made possible precisely by adopting a method that carefully considers what militarists wrote and recorded—as an indication of what they thought. Defending this method, Daly notes that *Soldier's Paradise* is a story about "how militarism worked rather than how people felt about it" (30). This method is what sets *Soldier's Paradise* apart and makes the book a brilliant, unique, and unforgettable account of militarism in Africa. Yet it is also precisely this method that makes possible a reading in which the praxis of anti-colonial nationalists can be functionally and generatively compared to, and theorized alongside, militarism, regardless of the horrors of *Soldier's Paradise*. Given the stakes of this reading for contemporary conversations around decolonization, *Soldier's Paradise* successfully provokes in the reader an angst that is certain to linger.

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References

Adébísí, Folúkẹ́. 2023. *Decolonisation and Legal Knowledge: Reflections on Power and Possibility*. Bristol, UK: Policy Press.

Ahire, Philip. 1990. "Policing and the Construction of the Colonial State in Nigeria, 1860–1960." *Journal of Third World Studies* 7, no. 2: 160–68.

Decalo, Samuel. 1973. "Military Coups and Military Régimes in Africa." *Journal of Modern African Studies* 11, no. 1: 110–19.

The Economist. 2023. "Fanatics and Putschists Are Creating Failed States in West Africa." https://www.economist.com/middle-east-and-africa/2023/08/01/fanatics-and-putschists-are-creating-failed-states-in-west-africa.

Fanon, Frantz. 2004. *The Wretched of the Earth*. Translated by Richard Philcox. New York: Grove Press.

Fjelde, Hanne. 2010. "Generals, Dictators, and Kings: Authoritarian Regimes and Civil Conflict, 1973–2004." *Conflict Management and Peace Science* 27, no. 3: 215–16. https://doi.org/10.1177/0738894210366507.

Friedrich, Carl. 1943. "Military Government as a Step toward Self-Rule." *Public Opinion Quarterly* 7, no. 4: 527–41.

Geddes, Barbara, Erica Frantz, and Joseph Wright. 2014. "Military Rule." *Annual Review of Political Science* 17: 147–62.

Human Rights Watch. 1992. *World Report 1992: Nigeria*. https://www.hrw.org/reports/1992/WR92/AFW-06.htm#P385_134315.

Rotberg, Robert. 2003. "Failed States, Collapsed States, Weak States: Causes and Indicators." In *State Failure and State Weakness in a Time of Terror*, edited by Robert Rotberg, 5–10. Washington, DC: Brookings Institution Press.

Vines, Alex. 2024. "Understanding Africa's Coups." Georgetown Journal of International Affairs. https://gjia.georgetown.edu/2024/04/13/understanding-africas-coups/.

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