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A RIVER CALLED TIME: THE CONTRIBUTION OF MIA COUTO TO FUNDAMENTAL RIGHTS IN LITERATURE

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ABSTRACT: This work is based on discussing the contribution of the novel *A river called time*, by Mozambican writer Mia Couto, to the theory of Law. The debate lies within the theoretical branch of “law in literature”, in which characters and stories involving legal matters are made evident. The narrative revolves around the journey of the young Mariano to the island Luar-do-Chão, after years away from his homeland, to lead the funeral celebration of his supposed Grandfather Mariano. When he arrives on the island, he finds himself impelled to reconstruct a story that had been made without his participation. Marianinho must care for the memory of the family and the traditions of the island. The problem lies in how to deal with the fundamental rights, such as the right to life, death, nationality, equality and freedom, in a context of specific traditions such as the island Luar-do-Chão. Mia Couto uses metaphors and allegories to make the reader think beyond the text, reflecting upon life itself, relating “time” and “home” as the thematic axes. The methodology used in this paper is phenomenological hermeneutics, since law does not cease to suffer the historical-cultural contingencies of the universe in which it is integrated, in this way, legal concepts are revealed as historical phenomena, oriented to critical reflection.

KEYWORDS: literature; Mia Couto; time; home, fundamental rights.

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*The important thing is not the house where we live in.
But rather, where the house dwells within ourselves.*
(Grandfather Mariano – Chapter 4)

AN INTRODUCTION

There are obvious relations between Literature and Law, since the former often portrays conflicts that are typical of legal cases, such as violations of rights, along with their consequent burdens of justice or injustice. However, the opposite is not a common practice, since the legal system – generally – does not rely on literature for its decisions. Some jurists and sociologists have started to fill this gap, such as Ronald Dworkin (1999; 2000; 2002), Pierre Bourdieu (1996), François Ost (2004). In Brazil, there is already a set of researchers working on the theme. As an example, Germano Schwartz (2006), Valéria Ribas do Nascimento (2011), André Karam Trindade (2011), in partnership with Lenio Luiz Streck (2012), Ângela Araújo da Silveira Espíndola (2016), among others.

The theme of this paper is related to one of the novels by Mia Couto, titled *A river called time* (originally, *A river called time, a house called land*). In this sense, although briefly, it is necessary to highlight the importance of the relation between Law and Literature, due to the need to recover the sense of a time when justice was poetic or when academic and social debates unfolded in an environment of passion, now abandoned by legal positivism (Schwartz, 2006, pp. 14-15). The *Law and Literature* movement began in the United States of America in the 1970s, having perfected itself in the following decade, with the objective of verifying in Literature whether there were points of contact that provided the Law with different subsidies to understand what is good and evil, just and unjust, legal and illegal, among other human dilemmas, easily found in different national and international courts. As a rule, there is a methodological division to study this movement: *Law in Literature*, *Law as Literature* and *Law of Literature*. Here, as the study starts from the representation of Law through a literary work, the first perspective of the ones above is emphasized. It is also worth noting that this research is

focused on certain fundamental rights addressed in the analyzed literary work, such as the right to life or death, nationality, equality and freedom.

Thus, the research problem is to present some reflections from the mentioned work in attempt to understand how an African fiction novel can influence the contemporary society, besides the allegories and metaphors presented in the text. In this way, we try to relate each of the main characters of the text to the legal context. Among the main characters are: the young Mariano, Grandfather Mariano, Abstinência, Fulano Malta, Último, Mariavilhosa, Dulcineusa, Miserinha and Admirança.

The purpose of this work is absolutely not to exhaust the subject, but rather to outline a new perspective that may shed light on a dogmatic, positive and often outdated Law, through the critical power of literature. The method adopted is that of phenomenological hermeneutics, since Law, as it is a discipline inserted within the human and social sciences, can only be perceived if oriented to critical reflection, so it must be sensitized by the intertwining of facts, norms and Literature itself.

According to Francois Ost (2004), if on the one hand the Law encodes reality, on the other, Literature releases the possibilities. If Law is the field of security, of the certainty that is produced by the alleged completeness of the norm; Literature is the terrain of surprise, of the unexpected. If the Law produces a person, Literature produces a character and unfolds in the singularity and concreteness, away from the terrain of normative abstraction that characterizes legal prescriptions.

In order to facilitate the reader's understanding of both the story of Mia Couto's novel and the judicial problems extracted from it, this work is divided into two chapters: the first presents a summary of Mia Couto's novel, seeking to highlight points and passages of the narrative; while the second chapter makes the interlacing of Literature and Law more directly, by highlighting passages in the story of the narrative, and at the same time pointing out specific, current and important legal issues.

**A RIVER CALLED TIME:
BRIEF SUMMARY OF THE NOVEL**

The narrative analyzed here is about the journey of the young Mariano (also called Marianinho) to the island of Luar-do-Chão. This quest is only apparently a return to his native land, because in a hidden way, it means a return of Mariano to his origins to find his own history and the rescue of the meaning of life for various characters and for the island itself.

After long years away from the island, he is a stranger in his home and among those of his race. In the big city, he had acquired habits of white people or as they say on the island, of a *mulungo*. In the course of the narrative, he discovers that he returned to the island not only to direct the funeral ceremonial of his supposed Grandfather, but to a rebirth that is at the same time personal and familiar, communitarian.

Early in the novel, as the student prepares to return to the island, the memory fragments of the time he had lived with his family are already beginning to show:

The other family members were very different. My father, for example, had his soul in the prime of his skin. He had been a guerrilla soldier, a revolutionary, opposed to colonial injustice. Even though he had been hospitalized on the island, in the surroundings of the Madzimi River, my old Fulano Malta showed his heart's will in every gesture. As for my uncle Últímio, the youngest of the three, he was very much on display in the streets of the capital. He had not been to his home island anymore, as he was busy with the powers and their corridors. None of the brethren got along well, each in individual conformity. Uncle Abstinência [...] always appeared like this: thin and starched, busy making memories. One day he went into exile inside his house. People thought it was a moody whim. But it was definitive (Couto, 2003, p. 16-17).

The resurrection of memories, from the feeling of returning to his place of origin, happens through Marianinho's description of the difference between the relatives. Such memories refer to episodes in the history of the Malilane family and to the social and psychological conflicts that the characters face in their daily lives. The family agitations are against the background of decadence, even after independence, as a result of the exchange of a world in which the value system no longer functions in the name of technology or the modernity of customs. Worth noting another excerpt:

I am perched on the trailer of the tractor, I am circling between the narrow paths of sand. Until recently the village had only one street. They called it, ironically, Middle Street. Now other paths of loose sand were opening in a tangle. But the village is still too rural, it lacks the geometry of the tidy spaces (Couto, 2003, p. 27).

As can be seen, the protagonist begins not only to encounter the lack of progress on the island, but also to position himself as an enlightened subject, whose reference to modernity is the city in which he studied. The island, though having undergone transformations, preserves rural roots, which do not attract his taste as a city man. It is recorded here that the assumptions of character change afterwards, according to the course of the narrative and the contact with the mysterious letters that he receives from his Grandfather. Thus, the clash between tradition and modernity reinforces one of the reasons for the fragmentation of Marianinho's identity, since the set of values maintained in Luar-do-Chão is very different from those held in the city.

The days before the funeral of Grandfather Dito Mariano – the *munumuzana*, which means the oldest man in the family – are marked by memories and revelations. Simultaneously with conducting the funeral, Marianinho finds himself impelled to reconstruct a history that was made – basically – without his participation, because he was very young when he went away to study in the city. The protagonist is forced to watch over the memory and tradition of the island, for example, to decide whether or not to remove the roof of the Nyumbakaya – the family home – during the funeral celebration.

In the course of the narrative, as the family history of the Malilanes – or Marianos in the language of the White people – is reworked, Marianinho receives a series of anonymous letters that guide him in the investigation of the unfinished death of Grandfather and other mysteries which involve the whole island. It is up to the young man to realize that every inhabitant of the place has something to reveal to him, just as he must resist the speed of time to carry out Grandfather's funeral at the right time.

It is important to note that Luar-do-Chão is in a state of abandonment, decadence and misery. In this sense, it is not only about material debris, but about time itself being rebuilt. That magical time of African traditions. Marianinho's mission is to find a new way to save the

land, which is also metaphorically his home, and carry forward a story that, in addition to being personal and familiar, is also political and social.

A RIVER CALLED TIME, A HOUSE CALLED LAND AND A LAW CALLED "LAW IN LITERATURE": THE LEGAL IMPLICATIONS OF THE NOVEL

The journey of the young Mariano to Luar-do-Chão to conduct the burial ceremonial of his supposed Grandfather is filled with mystery, beginning with the “deceased” himself, as it is not yet known if he is really dead, since not all his vital signs are stopped. The narrative describes it as follows:

“So what, doctor?”

“What?”

The doctor shakes his head, expressionless. Countless times he had already bent over Grandfather, taking his wrist, raising his eyelid, feeling his chest. Once again he subjected himself to the veiled interrogation:

“Is he dead, Doctor?”

“Clinically dead.”

“What do you mean, clinically? Is he dead or not?”

“I said, he’s in a cataleptic state.”

“What state?”

Amílcar looks up at the ceiling, his fingers nervously running over the edge of the empty glass.

“Explain better; doctor; we are not accustomed to these vocabularies. Say one thing: does he breathe or does his heart beat?”

“He breathes but at an almost imperceptible level. And the pulse is so weak that we do not feel it.”

Silence filling a tense void (Couto, 2013, p. 35-36).

Mariano (protagonist – grandson of the “fake” dead man) receives the mission of restoring the normality of life on the island by understanding the inner dramas of each of his relatives and realizes the need to unveil ancient secrets. It is also inserted a space of psychological depth in the characterization of the characters, symbols of various forms of existence and internal struggles of humankind.

In this part of the work, it is already possible to perceive a very controversial and current legal question, which is the emergence of a branch of Law, called “right to die”, since Mariano is faced with the task of choosing to bury or not Mariano Grandfather in that state of “almost” death. This new branch of Law is related to euthanasia in its various forms

and to assisted suicide³, given the need to understand the difficulties faced by the large number of critically ill patients who, in the face of physical and psychic pain, seek death, and on the other hand, the limitations imposed by the State in affirming the principle of the unavailability of life (Sá, 2005, p. 13).

It is noticed that one of the great problems of this text of Mia Couto revolves around the issue of life and death, important fundamental rights protected by the majority of contemporary Democratic States of Law. At the end of the text, the narrator metaphorically questions whether, often, “the ‘living’ are alive, or, when they die, they still insist on ‘living’” The problem of the right to die, as well as a dilemma of the author’s work, is also delicate in the legal field, since it involves moral and even religious issues, which makes it difficult to reach consensus on the subject. The interface between Law and Literature here shows that real life (governed by Law) inspires Art (Literature), as the latter is attentive to the smallest and complex details of the former.

On the main characters of the novel in question, it is worth noting that Mariano’s eldest uncle, “Abstinência”, as the name evidences, abstains from the world of life, minimizing all contact with the external world, taken by a mutism that distances him even from his family. The black suit and tie he used showed the darkness in which he lived. According to Abstinência, “the world no longer has beauty” (Couto, 2003, p.17). In the course of the narrative, it is up to Mariano to rescue, if possible, the meaning of life to the whole family and to the island itself.

Uncle Últmio, the third of the three sons, is the one who least perceives the relevance of the land, family and traditions as constituent elements of man, since, as a “politician” and bureaucrat, he seeks to please

³ It can be mentioned that active euthanasia is that provoked by action of a third, and passive eutanásia is practiced by the omission of someone; orthothanasia refers to the abstention or limitation of futile treatment; dysthanasia is synonymous with therapeutic obstinacy, or rather, the patient’s caregivers prolong human life to the maximum; already the misthanasia would be death through the disproportion – after or before the right timing, for example, by lack of medical attention. Finally, assisted suicide is a consequence of the patient’s own action with the help of others. In order to deepen the subject, consult Maria de Fátima Freire de Sá (2005). Also, see the work of Luciana Dadalto (2013).

everyone in order to achieve his own interests and seeks to sow wealth so that people think his life is wonderful. In one of the passages of the work, the narrator mentions that “politics is the art of lying so badly that it can only be denied by other politicians” (Couto, 2003, 28). Últímio has always spread misunderstandings and seems to have profited by accumulating alliances and influences.

With this character it is possible to think about the current reality, not only in Brazil, but also in several countries in which the crisis of (in) politics appears, as one of the crises of State⁴. The model of representative democracy makes it impossible for all interested parties to make a decision through citizens’ assemblies, as a version of the old Athenian democracy, in view of the technical difficulties brought about by the type and content of the topics under discussion, which transformed politics, oftentimes, in something that relies on technological references, statistics, probabilities, as well as on macroeconomic and microeconomic variations.

In addition, the lack of time and the agitated life leave little room for the citizen to engage in the political game, which leads to the emptying of politics, that is, it does not discuss issues that are essential to the people, who end up relating to it only as a stereotype for the absence of real alternatives of choice. This is what José Luis Bolzan de Moraes calls the “puppet-making of democracy”: within a model of representative democracy, one perceives the weakening of the public space of politics, occurring the disappearance of real alternatives of choice, since a stereotype is established of “de-differentiation” of proposals, of “de-identification” of candidates, etc., and leads the citizen to a process of political marasmus (Moraes, 2011, p. 71). The prerogatives granted to politicians, as well as the apathy of citizens, is one of the explicit evidences in the work of Mia Couto.

⁴ The work of José Luis Bolzan de Moraes, entitled “The crises of the State and of the Constitution and the spatial-temporal transformation of human rights”, is recommended to deepen the questions concerning the crises of the State. It states, firstly, a conceptual crisis, working with the structural elements of the State, thereafter mentions the structural crisis, focused on the purpose of the Welfare State. The constitutional crisis is related to the very effectiveness of the Fundamental Law of the State. On the other hand, the functional crisis works with the difficulty of delimiting the function of each state function, and finally, the political (and representation) crisis questions the effectiveness of the current democratic model (Bolzan de Moraes, 2011, p. 25-74).

Another character in the play, Fulano Malta, is Mariano's alleged father (at the end of the novel it is revealed that, in fact, he is the son of Grandfather Mariano). His name, Fulano, means "so-and-so", and reveals the melancholy in not recognizing himself, as a former guerrilla soldier, even if the results of the war remain alive in his memory. The fact happened when Fulano Malta heard that there were guerrillas fighting to end the colonial regime near Luar-do-Chão. Hearing this, he threw himself into the river to join the rebels. The family did not hear from him for years, and after having overthrown the colonial government, Fulano Malta returned in uniform and everyone looked upon him as a hero of many glories. Until one day a rehearsal for the independence festivities took place, where the great men who fought in the war were expected to appear. It turns out that Mariano's father stripped down his uniform and kept himself at home, stating that the independence that is most valuable is the one inside us: "what he wanted to celebrate was the right to live by our own command and taste" (COUTO, 2003, p 72).

During this same period of the parade, Fulano Malta's wife, Mariavilhosa, was supposedly pregnant, and taking advantage of this fact, Mariano's father made only one statement: "If it is to acclaim a flag I choose the round of her belly" (Couto 2003, p 73). It is worth highlighting the words of the narrator regarding the problem lived by the father of the main character:

And never again did Fulano talk about politics. What was life like for him, with no purpose? I left the Island, my mother passed away. And he became more into his bitterness. I understood this suffering. Fulano Malta had gone a long way. As a young man he had felt strange in his land. He believed that the reason for this suffering was one and only: colonialism. But then came the Independence and much of his unease remained. And then he understood: it was not from a country that he was excluded. He was a foreigner not of a nation, but of the world (Couto, 2003, p. 74).

When Mariano returned to the supposed Grandfather's funeral, it involved mutual learning, since his father, Fulano Malta, had to learn to be a father, and the son needed to recognize the pertinence of the acts his father had once committed. Only after this rescue of the past did Mariano understand Fulano Malta.

In this passage, it is possible to relate the situation lived by Fulano Malta with nationality and patriotism. “Patriotism” and “Nationalism” are not synonyms, although, in this way, they are generally used. Maurizio Viroli maintains that the ideals of patriotism have been used throughout the centuries to strengthen or invoke the love of political institutions and certain forms of life that defend freedom common to all people, being related to the republican question. On the contrary, nationalism developed in the late eighteenth century in Europe to defend and strengthen the cultural, linguistic and ethnic unity of a people⁵.

In addition, Virole states:

[...] mientras que los enemigos del patriotismo republicano son la tiranía, el despotismo y la corrupción, los enemigos del nacionalismo son la contaminación cultural, la heterogeneidad, la impureza racial, y la desunión social, política e intelectual⁶ (1997, p. 16).

With the end of World War II, two great world powers emerged, the United States and the Soviet Union, which eventually led to the restructuring of other countries, including European states and also the so-called South or “developing countries”. The historical crisis of the national state is the basis for the unification of the European Union. This has given rise to ever closer forms of political and economic cooperation, which has led to the substitution of the search for the individual security of each State at the dawn of a new era based on the idea of collaboration (Bobbio *et al.*, 2002, p. 197-198).

This evolution, worked on the conception of nationalism, made it possible to observe that, particularly after World War II, the complexity

⁵ According to Pérez Luño, there are words that are used to designate different realities or different moments of the same reality. Therefore, it is convenient not to limit linguistic analysis, nor to offer provisional answers, so as not to run the risk of saying so many things and saying nothing: “It is thus seen that the term people can evoke: the plethos or plenum, that is, the totality of citizens; or, to the many, ho and polloi; or, to the majority, today pleiones; and even to the mass, the acholos”. Thus, the author comes to distinguish four different meanings for the same term: 1) People in the philosophical sense, understood as organic totality; 2) People in the legal sense, as the validity of the state legal system; 3) People conceived as a sociological category, referring to the collectivity of individuals of a State; 4) People as ideology, that is, those people or groups that, by defending certain majority ideas, qualify as such (Perez Luño, 2005, p. 197-198).

⁶ “While the enemies of patriotism are tyranny, despotism and corruption, the enemies of nationalism are cultural contamination, heterogeneity, racial impurity and social, political and intellectual disunity.”

brought about by globalization interfered directly with its meaning. In this line of guidance and starting from Immanuel Kant's theory, the difference between nationality and patriotism is emphasized. The former would be the formal bond that unites a certain citizen, committed to respecting the laws and customs of a certain State. The motherland, on the other hand, represents the territorial validity of the state legal order, related to republican ideals (Llano Alonso, 2002, p. 148).

In this same context, Llano Alfonso affirms that Kant defends the double motherland, one natural and another legal: “[...] la existencia de la patria no es más que un hecho contingente en la historia de la humanidad y en [...] su continuo progreso hacia lo mejor”⁷. In addition, although it is not expressly stated by him, it is possible to verify a third Kantian meaning of motherland: “la pátria en sentido cosmopolita, es decir, ni más ni menos que el mundo”⁸ (Llano Alonso, 2002, p. 148).

It is worth noting that the German author, even advocating the cosmopolitan ideal, never abandoned universalism. From the anthropological point of view, he always contemplated the existence of various cultural groups and even national minorities, even defending the preservation of the Polish language in the eastern provinces of Prussia, but this did not imply that Kant supported the division of the human race into compartments, as the relativists maintain. His idea is to recognize plurality within universality, and this is idealized by cosmopolitan-humanism (Llano Alonso, 2002, p. 144 e 145).

Kant's quest is for a world citizenship as a moral ideal that can be maintained through the cosmopolitan perspective, that is, based on universal values. However, it should be noted that the belief in the universality and protection of the recognition of equality among all citizens can be perceived in a moderate way, as is the claim of those who defend a cosmopolitan patriotism (Fernández García, 2001, p. 110-111).

Here it is important to remember that there are authors who have radical positions in favor of cosmopolitanism, as well as others who stand

⁷ “The existence of the motherland is nothing more than a contingent fact in the history of humankind and in [...] continuous progress for the better.”

⁸ “The motherland in the cosmopolitan sense, that is, neither more nor less than the world.”

side by side with patriotism. This debate has given rise to a set of replies in the United States concerning the position of Marta C. Nussbaum, author who claims that national identity is an irrelevant category (Nussbaum 1999, p. 17). Therefore, the American philosopher claims a world citizenship, based on a concept of education that is called cosmopolitan education.

Patriotism is said to be linked to a feeling about public issues. That is why it is common to mention “cosmopolitan patriotismo” that goes beyond the specific question of the State and perceives the need for protection of human rights in all States as a fundamental issue of humanity.

Returning to *A river called time*, another character stands out, the old Miserinha. She describes the initial gloomy picture of Mariano’s voyage to the island. All metonymies by allegory and victims, like the rest of the country, of the loss of identity. Miserinha talks to Mariano:

“I do not see colors. I do not see any color.”
Disease that caught her with age. She began by not seeing blue. She peered at the sky, looked at the river. All pale. Then it was green, the bush, the grasses - all faded. Little by little the other colors escaped.
“I no longer see whites or blacks, everything to me are mulatos” (Couto, 2003, p. 20).

The only remnant of color seen by Miserinha is the multicolored silk scarf worn by her and represents the last memory of the different colorations of the world, which contrasts, however, with her worn clothes and dark face that only sees gray men, marking the loss of desire and identity. Miserinha was the sister-in-law of Dulcineusa (The wife of Mariano’s grandfather). When her husband died, there were relatives she had never seen and they took everything, the goods, the land and even the house. For this reason, she resurrected this name that had been given to her in her teens: Miserinha (Couto, 2003, p 131).

Along the way back to Luar-de-Chão, Mariano then finds himself on his way home to adjust the details of Grandfather’s funeral. Here it is important to open parentheses to highlight that the house is called “Nyumba-Kaya” to please relatives from North and South. “Nyumba” is the word to name “house” in the northern languages. In the southern languages, the house is called “Kaya”. Mariano realizes that the house is

already roofless, so that the mourning that orders the sky penetrates through its compartments and performs a cosmic cleaning. Thus, the house is watered daily as a plant so that the waters not only clean it but also fertilize it (Couto, 2003, pp. 28 and 29).

The one who takes care of the burial preparations is Grandmother Dulcineusa, sweet in name to compensate for the bitterness for losing part of her hand and for having fingers that have been eaten, burned, by the acidity of the cashew harvested throughout her life. In moments that alternate delirium and lucidity, Dulcineusa reveals man's conflicts in the face of the confluence of social, cultural and religious values imposed on her throughout her life. She had a sister, Admirança, one of the characters who awaited the arrival of the protagonist Mariano, returning to Grandfather's funeral, and hid secrets revealed at the end of the narrative, such as being his true mother (in fact, she had a love affair with Grandfather Mariano).

Mia Couto writes that "every day Grandmother watered the house like a plant. Everything needs to be watered down, she said. The house, the road, the tree. And even the river must be watered" (Couto, 2003: 31). The African metaphor and traditions emphasized in the need for reception and identification between things and people.

Throughout the narrative, Mariano's life is also permeated by conflicts, doubts, surprises and discoveries related primarily to the funeral, but which eventually demonstrate new moments for the protagonist and his land. Using the allegory and fantasy, "Grandfather" Mariano (name that was passed to the grandson) communicates with Marianinho by means of letters; it is obvious that these cannot be written by him, since he is in a state of catalepsy. The letters appear mysteriously at the foot of the grandson to serve as a guideline on each step to be taken in conducting the completion of the funeral and, later, the family leadership.

The language professor and doctor Adolto Gonçalves affirms that the return of Marianinho to the island to find a way to save that earth, that also is his house, intends to demonstrate the necessity to reconstruct a new world, without abandoning the traditions. This would also be the idea of a parable of postcolonial Africa that needs to join its wreckage to move

forward and not be irretrievably behind in the history of states (Gonçalves, 2015).

It is important to emphasize the relation established between house and time, underlined by the very title of the work, which permeates all aspects of the narrative in all its spaces and characters. It is important to observe one of the letters of Grandfather Mariano to Marianinho:

Mariano, this is your urgent task: do not let them complete the burial. If you finish the ceremony you will not receive the revelations. Without these revelations you will not fulfill your mission of appeasing spirits with angels, God with the gods. These letters are the way to teach you what you should know. In this case, I cannot use the methods of tradition. You are already far from the Malilanes and their xicuembos. Writing is a bridge between our own and your spirits. A first bridge between the Malilanes and the Marianos.

Some of these relatives will want to shorten this moment. They will impose their movements on *our time*. Do not let this happen. Do not let it. Your task is to restore our lives, to direct the destinies of our people. Each one has their secrets, their conflicts. I will leave you advice to guide the conduct of your relatives. It will not only be in the letters. I will visit you in your dreams, too. For you to know the inside of your relatives. And everyone here is your relative. Or at least equals. Your father, with his bitterness, his dream lame. Abstinência with his fears, so tied to his ghosts. Último who does not know where he comes from and only respects the great. Your Aunt Admiração who is happy because of lies. Dulcineusa with her delusions, poor thing. But, I beg you, start with Miserinha. Go find Miserinha. Bring this woman to Nyumba-Kaya. These walls are yellowing with longing for this woman. She should resonate with us. She's our family. And the family is not something that exists in portions. Either it is all or it is nothing (Couto, 2003, p. 125-126, underlined).

It stands out how Mia Couto tries to rescue the past time through the life and memory of the characters, as well as intends to preserve the importance of family emphasizing the necessity of the search for Miserinha and the urgency to take her to home, which metaphorically unites all the personages, despite the passage of time.

It is important to note that there is a rupture with the linearity of the text, the use of poetic prose and appropriation of the construction of the fantastic within the reality of its characters and the life of the reader. The work is “handmade” through its lexicon and record of commitment to the aesthetic representation of the world. Likewise, the explicit use of

neological creations surpasses the record of what would be a regional language to encompass exposure to a contradictory universe present in contemporary cultures (Gonçalves, 2015).

According to Adelto Gonçalves, the time and the house seal a conjugal union within the novel: “Time, in its masculine character, represents the men of history. It undergoes a process of collapse (particularly of the house) to reflect all the deconstruction of the men of this Family” (Gonçalves, 2015). It reveals not only emotional dependencies but also volatile ambitions, disenchantment surrounded by the country’s war and the need for peace, both internal and external.

Here it is possible to open another parenthesis to relate the Law in Literature with a whole juridical construction that, at the moment, has been done by several indoctrinators⁹ around the defense of world peace and the protection of human and fundamental rights. The defense of the principle of human dignity both internally and internationally is one of the paradigms of contemporary Democratic States.

Returning to the novel by Mia Couto, one can see that the house, symbolizing the feminine, can represent both the female characters, since it is habitually inhabited by women, but it is also remarkable the haughtiness to have been erected and maintained solid, even with the passing years (Gonçalves, 2015). The death of Grandfather Mariano, patriarch of the Malilanes, “is the death of the ‘father house’ and the birth of the ‘mother house’, responsible for the shelter of the pieces that make up Marianinho’s identity mediated by tradition and modernity of its values” (Gonçalves, 2015).

Already in the final part of the novel a revelation takes place: Grandfather Mariano, who had died, was not a grandparent of Marianinho, but his father. It was a family secret kept for a long time. In fact, Marianinho was the son of Admiração, who had a hidden love relationship with her sister Dulcineusa’s husband. Here the full complexity of human relations is revealed, which, as a result, makes relations and legal issues equally complex.

⁹ At the national level, just as an example, it is possible to cite Antonio Augusto Cançado Trindade (2015), Fábio Konder Comparato (2008), Flávia Piovesan (2006), Valéria Ribas do Nascimento (2010), among others, and, internationally, Antonio Enrique Pérez Luño (2005), Peter Häberle (2000), Pablo Lucas Verdú (1998) and others.

Thus, through metaphors and allegories, Mia Couto makes the reader think about the Law in life and the right of life, beyond this and other lives. It ends with an excerpt from the last letter of “Grandfather” Mariano: “You, my grandson, fulfilled the visit cycle. And visited house, land, man, river: the same being, only differing in name. There is a river that is born within us, runs inside the house and flows not in the sea, but on the land. This river some call life” (Couto, 2013, p.258).

CONCLUSION

The Gordian knot of this research resides in how to perceive the fundamental rights in Literature through the novel *A river called time* by the Mozambican Mia Couto. It is worth remembering that Law in Literature is the branch of the discipline of Law and Literature that studies the forms under which Law is represented in Literature. Each form of treatment may be of interest to a particular legal field. In this paper, in special, certain fundamental rights raised by the author of the novel were analyzed.

Hereby, there was an attempt to highlight the main characters of the narrative in which it was possible to make a relation with juridical questions. Among the main topics addressed, there is a new branch in the Law called the “right to die”, which deals mainly with euthanasia and assisted suicide. This debate involving fundamental rights around life and death is a recurring theme in the whole novel. It is worth remembering the beginning of Mia Couto’s narrative: “Death is like the navel: what exists in it is its scar, the memory of a previous existence” (Couto, 2003, page 15). The Mozambican author’s work already begins with the alleged death of Grandfather Mariano, as he is in a state of catalepsy, maintaining some vital signs, which leads the family to question about the completion of the funeral.

To carry out the funeral of Grandfather Mariano, the family seeks in the city his “grandson” Marianinho to command the funeral celebration. However, the quest for the grandson has several meanings, going far beyond a simple ceremony. Mariano (grandson) has the mission of (re) discovering his own history and returning the meaning of life to his relatives and to the island of Luar-do-Chão, where everything develops. The

young man discovers that, in fact, he is a son and not a grandson of Mariano.

It is also worth noting the important part of the narrative in which Fulano Malta (who was initially the father of the young Mariano) fights for independence and to end the colonial regime. Here we can see the notion of patriotism and nationalism, recurrent issues in Law. It so happens that Fulano Malta is completely disappointed with the public and political cause, initiating a process of removal of the members of the city and of his own family. Thus, it was possible to work with some legal issues involving the political and democratic crisis that plagues many contemporary states.

In addition, other points involving critical issues of the legal area were elaborated during the article. However, it is worth noting the central theme of Mia Couto's work, remembered in the epigraph of this article: "The important thing is not the house where we live. But where in us the house dwells." Indeed, the "house" metaphorically related to family, friends and memories of the past, identity and culture will always remain close to people, wherever they may be, in time and space.

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