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## **The Changing Face of the Judiciary in Ngugi wa Thiong'o's *Devil on the Cross and Matigari***

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### **Abstract:**

In most of independent Africa, the roles played by the judiciary have continued to spark off uneasiness and conflict in the society. The judiciary which by its nature is supposed to dispense truth and justice in the performance of its functions has been influenced by the ruling clique for its own gain. This changing face of the judiciary has been one of the major concerns of most African writers, and most notably, Ngugi wa Thiong'o. In this regard, this study has examined how the judiciary is portrayed in Ngugi's *Devil on the Cross and Matigari*. It explores how the characters that represent the judiciary allow themselves to be controlled by the ruling clique to dispense injustice among the characters that represent the ordinary people of Kenya. It discusses the corruption of the judiciary by inspecting how the judicial officials engage themselves in corrupt practices. The study maintains that the judiciary is an anti-progressive agent of the state. Finally, it concludes that the judiciary in Ngugi's *Devil on the Cross and Matigari* serves as a tool of oppression, and of upholding class domination.

**Keywords: Ngugi wa Thiong'o, Judiciary, Injustice, Oppression and Corruption.**

### **Introduction**

The intermediary does not lighten the oppression, nor seek to hide the domination; he shows them up and puts them into practice with the clear conscience of an upholder of the peace; yet he is the bringer of violence into the home and into the mind of the native (Fanon 29).

Ngugi wa Thiong'o of Kenya stands out in Africa as a novelist for his artistic versatility. Thus anyone acquainted with Ngugi's post-colonial novels, especially *Devil on the Cross and Matigari* will not lose sight of the fact that the judiciary is depicted in the negative. As the branch of government or social institution of the state that concerns itself with law and the legal system, the judiciary is supposed to administer justice in the society, without fear or favour, and to punish offenders. However, in Ngugi's novels there is aberration on the part of the judiciary. This changing face of the judiciary deserves critical attention.

In *Devil on the Cross and Matigari* Ngugi creates a range of characters out of real life from both the oppressors and the oppressed classes. These characters embody the symptoms of their social classes. Their narrative operations proceed from these symptoms and are reflective of the interests and works of their separate classes. In this sense, therefore, characters which

represent the judiciary in Ngugi's *Devil on the Cross* and *Matigari* serve only the interest of the group of the 'powerful', to the detriment of the less-privileged group, the masses. This is the reason why Philip Rice and Patricia Waugh while dealing with Louis Althusser's concept of ideology say that ideology is a "representation of imaginary versions of real social relations that people live. The imaginary versions of the real social relations are necessary for the continuous existence of the capitalist system" (51). Accordingly, Althusser proposes in his book, *Lenin and Philosophy and Other Essays*, what he calls 'the structural theory of ideology'. In this theory, he recognizes two ideological levels that are always identifiable with society: the Repressive State Apparatus – RSA, and Ideological State Apparatuses – ISAs. The RSA consists of the army, police, judiciary and other security machineries of the State, which operate by external force. This entails that the RSA aims at imposing full compliance to the wishes of the State. Apart from the fact that RSA functions principally by oppression, it also operates by ideology.

On the other hand, ISAs comprise the religious organizations, schools, political parties, the media, the family, cultural activities (literature, arts, sports) and the trade union. These are institutions created to maintain, in a more crafty way, the power of the ruling class or state, "by seeming to secure the internal consent of its citizens" (Barry 164).

From Althusser's viewpoint, what ideology does is that it tricks and makes us see ourselves as individuals free and independent of social forces. Althusser refers to this trick as 'interpellation'. And he maintains that capitalism thrives on this trick, interpellation, which accounts "for the perpetuation of a social set-up which concentrates wealth and power in the hands of the few" (Barry 165).

Thus, under ideological drive, it can be said that literature above all performs different imaginative function to ideology. And in doing so, it reconstellates our relations to the world.

Given its counter-discursive function, modern African literature has the capacity to represent the roles played by the judicial officials of state in the perpetuation of domination and oppression, and the annulment of fundamental human rights. In this connection, the novel works as opposition to the dominant power structure. It mobilizes its novelistic elements such as characterization, symbolism, satire, irony, and even humour in order to disrupt and thereby resist the dominant view point. Through its narration, therefore, the novel seeks to identify and map protocols of domination in order to present them for subversion.

In this article we will examine to what extent Ngugi has chosen the novel as a genre in order to show how the judiciary has invalidated its constitutional task of dispensing justice. In other words, the argument will be that in *Devil on the Cross* and *Matigari* the judiciary serves as an instrument of oppression, and of upholding class domination.

### **The Judiciary in *Devil on the Cross***

Ngugi's *Devil on the Cross* like *Matigari* is a post-colonial novel. It delineates an independent Kenyan society whose government system is established on the preceding colonial system. It is a novel of the fight against neo-colonialism, and of a turnabout in Kenya. This means that *Devil on the Cross* talks against the social difference that exists between people, the *haves* and the *have nots*, in an African society. According to Helen Chukwuma, "the ordering of characters in the novel shows this dualism and conflict of interests" (71). David Cook and

Michael Okenimkpe, in *Ngugi wa Thiong'o: An Exploration of His Writings*, affirm that Ngugi presents “clear-cut contrasts between social classes each of which is typified by certain characters in the novel” (123). The novel advocates change which is constantly nullified by the agents of state power. This novel represents the betrayal and dehumanization encountered by Kenyan masses from their own Kenyan leaders, including security agents and judicial officers after independence.

In effect, the people of Kenya after experiencing a lot of abuses at the hands of their colonial lords who disinherited them of their ancestral land and made them inferior human beings, fought for, and gained independence in 1963 mainly through the instrumentality of the Mau Mau revolutionary group. However, it is unfortunate that the prospects of the Kenyan people after political freedom were wrecked as they were launched into what Ken Saro-Wiwa calls “internal colonialism” (18), or, neo-colonialism – a situation in which the new Kenyan leaders still formed an alliance with their erstwhile colonialists in order to advance internal imperialist capitalism. This small clique of leaders, Kenyans, has not been democratic but narcissistic in every pursuit. Writing about this group of leaders, Oginga Odinga in *Not Yet Uhuru* says that:

...our leaders in government and party were retreating from the people, that every excuse was being made to avoid consulting them, and that government by a small circle of leaders could too easily be influenced by forces against national interest (289).

In connection with this type of situation, Chidi Amuta expresses the fact that “in most of independent Africa, political power is wielded by a marginal bourgeoisie whose umbilical cords are intricately entwined with the larger interests of imperialist capitalism” (147). From the point of view of Ngugi, this small group of leaders interests “are mainly served by the state and all the machinery of state power, like the police and the army and the law courts” (“Literature and Society” 23). In this article the aspects of the judiciary to be discussed are: bias in the dispensation of justice by the judiciary and corruption in the judiciary.

In *Devil on the Cross* Ngugi highlights the state of the Kenyan judiciary since after Kenyan’s independence in 1963. The fundamental task of the judiciary is to dispense justice in the society of Kenya, and to penalize lawbreakers. To this end, it is expected of the Kenyan judiciary to uphold the country’s constitution. Nobody, regardless of status, should be above the law of the land. But in the novel, “corruption has the backing of lethal weaponry of those in power. Opposition is stifled, the dissenting voice is jailed, there is no hope in the law and the nation” (Chukwuma 69).

Ngugi’s *Devil on the Cross* is set in a secluded Ilmorog Community. Ilmorog which in its heyday sustained the nation with abundant human and natural resources is deserted and disregarded in the post-colonial rush for earthly possessions. To ensure that the Kenyan masses do not reap from where they sow, the new Kenyan government uses the state security apparatus and the judicial officials to achieve that.

In Kenya, as shown in the novel, the law is interpreted in favour of the rich. Justice is not dispensed fairly in the law courts. The poor and disadvantaged are always on the wrong side of the law, and are always convicted and jailed while the 'very important people', the big men and those linked to them, are forever doers of good. This manifests itself in Wangari's experience with the judiciary soon after her country's independence. Wangari who in the novel was instrumental to the actualization of independence in Kenya is clamped down on by policemen. Believing that independence has truly come to Kenya, Wangari travels to Nairobi to look for a job. However, her expectation of having a job in a hotel monopolized by a European is frustrated as she is apprehended by the police. She narrates her experience thus:

I was about to leave when the man called me back. He asked me to sit down on a chair while he rang up a place that he knew was never short of jobs for people like us. My heart bit with joy. Independence had truly come to our land. I waited for my good fortune with the patience of a fisherman ...before I could sneeze twice, I saw policemen enter the office. The black man gave me up to the police, who were black like me, and told them that I had been keeping a watch on the hotel...I was then pushed into a police vehicle and taken to cell. But was it a cell, or rather a lair for mosquitoes, lice, fleas and bedbugs? (43)

The above passage calls our attention to the irony involved in job search in Nairobi. For the Kenyan peasantry whom Wangari represents, the irony involved in job search in Nairobi is that Nairobi is exclusively reserved for a character like Mr. Mugwate, an African business elite who agrees fully with the European hotelier who exploits the nation through business co-operation, while for the African business elite and his European business partner, it offers them the opportunity to dominate and take control of the hotel business in Nairobi, and to alienate and suffer the poor. Besides, for the likes of Wangari, independence rather than being linked with 'good fortune' implies social inequality, unemployment and untold hardship, whereas for the members of the ruling class - Gitutu, Gatheca, the master of ceremonies and their gang - it means a condition to loot the public treasury and to oppress the masses. Unfortunately the African policemen allow themselves to be manipulated by the rich to oppress the less-privileged. The police cell where Wangari is locked in is itself a symbol of police oppression and dehumanization. Like the police officers, the cell serves as a means of maltreating people instead of serving as a means of reforming people. It is highlighted in the novel that Wangari is detained in this symbolic cell for "three nights suffocated by the stench of shit and urine" (43). But, how can a woman who has not committed any crime be subjected to this type of inhuman and oppressive condition before arraignment? Here the African policemen fail to realize that a suspect is assumed innocent until otherwise proven guilty in a court of law. This apart, when the crimeless and irreproachable job searcher – Wangari is finally taken to court, charges of intending to steal and of breaking vagrancy laws are leveled against her. In Wangari's words:

I was taken to court this very morning, charged with intending to steal and with roaming about Nairobi without being a resident of the city, without a job, without a house and without a permit. Vagrancy or something like that, that is what they called it (43).

At this court, Wangari suffers false charges of intending to steal and vagrancy. She also suffers a partial trial and an undue imprisonment, which she and other characters like Wariinga and Gaturia never envisaged. Of course, looking at Wangari's experience with the judiciary, one will begin to wonder why the less-privileged in a so-called independent African nation cannot be allowed to move freely in their own country. How can searching for a job in any part of one's country become a crime? How can foreign investors take upper hands over the real owners of the land of African people? These are not supposed to be so. And it is against this backdrop that Wangari says: "I denied both charges" (43).

Regardless of Wangari's innocence, she is not spared at the law court. The European judge convicts her in spite of evidence to the contrary. Of course, after promising to assist the police arrest the real thieves, those who loot the nation's wealth and brag about their lootings in Ilmorog cave, Wangari is constrained by the judiciary to pay a fine of two hundred shillings for breaking the vagrancy laws in her own country. In doing this it can be said that the judiciary serves as an instrument of coercion. Wangari's encounter takes her mind back to what used to obtain during the era of colonialism in Kenya as seen in her question: "Is it right that I should need a permit to enter Nairobi, just like in the days of the Emergency, when our European tormentors used to make us carry pass books?" (44) The implication of Wangari's question is that the post-colonial judiciary still operates with the colonial law. Talking about how Africans suffered at the hands of the colonial law enforcement agents during colonialism in Kenya, Mathieu Deflem says that:

In 1937, for instance, no less than 6,000 Africans were prosecuted for being resident in townships without permission, or because of failure to produce a pass,...more than 4,700 for not paying hut taxes, and more than 1,000 for vagrancy (52).

In *Devil on the Cross* deception plays out in the way of the judiciary. As regards Wangari's case, it is indicated in the novel that as she fulfills her promise of helping the police to arrest the men that cause havoc in Ilmorog society, her help turns against her as she is re-arrested instead. But, prior to this time Wangari has had the thought that the police will do their job well: "If the police arrest pick-pockets who snatch women's hand bags in market places, and petty criminals who steal five shillings, and thieves who steal hens in villages, what do you think they will do to these men, who steal from the masses and rob the whole nation?" (157) The irony of this question is what she gets as an answer. Apart from the fact that Wangari is treated partially, Muturi and the student leader are subdued because of their resistance against political repression. What exactly have Muturi and the student leader done? Especially for Muturi, as a pivot of social change, he has only gone to gather workers to come and chase those political stooges – the 'Devils' Angels' who converge in a cave at Ilmorog to compete among themselves to become one of the best seven experts in theft and robbery – out of power. Of course, Muturi and the workers have only said as shown in the placards which they carry that:

WE REJECT THE SYSTEM OF THEFT AND ROBBERY; OUR  
POVERTY IS THEIR WEALTH; THE THIEF AND THE WITCH ARE  
TWINNS – THEIR MOTHER IS EXPLOITATION; THE BEEHIVE IN  
WHICH WE WILL ROLL THIEVES AND ROBBERS DOWN THE

SLOPES OF THE HILL OF DEATH HAS ALREADY BEEN BUILT BY THE WORKERS (203).

In the case of Muturi, the student leader and Wangari, they are charged with “the offence of disturbing the public peace at Ilmorog Golf Course during a meeting of some private businessmen and in the process, causing the death of seven persons” (231). Here truth is turned upside down. This ugly position of the judiciary reminds us of the argument of Mike Akpan as he cites the words of M.T. Brown: “The judicial officers... had allowed themselves to be whipped into the helpless state of upholding clauses in spurious laws, which oust the courts fundamental duty to administer justice” (15). The deceptive manner in which judgement is rendered in the imaginative world of the novel baffles a character like Wariinga, the novel’s heroine. The novel’s narrator says that as Robbin Mwaura, the collaborator of looters and “the principal witness for the prosecution” (231), tells the court lies against Muturi, Wangari and the student leader, he is interrupted with the handing of a note to the prosecutor. Subsequently the prosecutor reads the note and walks up to the bench and whispers “something in the judge’s ear” (231). This culminates in the judge’s ironic announcement of withdrawing the charges against the accused three and in their freedom. Obviously the foreign judge plays on the intelligence of the less-privileged:

When Wangari and Muturi and the student leader stepped outside the courtroom, they were met with guns and chains. It was only two weeks later that people learned that Muturi and Wangari and the student leader had been detained (232).

In the novel adjournment of court cases and detention without trial are adopted methods by which a few persons who have special links with the members of tribunals assail those who resist every form of social imbalance spiritually and physically. For Ngugi, these methods are “not only a punitive act of physical and mental torture of a few patriotic individuals, but” are “also a calculated act of psychological terror against the struggling millions” (*Detained 14*) They are a terrorist programme organized by Gitutu’s ruling class and its foreign overseers for the psychological siege of the whole members of the oppressed class whom Wangari, Muturi, the student leader and Wariinga symbolize. A reflection of this is seen in the threatening words of Kimeria to Wanja in Ngugi’s *Petals of Blood*. Kimeria believes that because of his connections with the state security agents and judicial officials Wanja as a woman whom he lusts for must succumb to his love advances at Blue Hills since her people need help from him for a sick child, Joseph. Otherwise:

...I could lift that telephone and have all of you arrested and charged with the offence of trespassing in Blue Hills. You could be remanded in custody for over six months. All we need, for the sake of semblance of justice, is to keep on making you appear in court for mention (155).

The deduction of this is that Kimeria and his cohorts like their counterparts in *Devil on the Cross* as new “‘species’ of men” (Fanon 27) who have replaced their out-gone colonial ‘species’ of men see themselves as men who can dictate terms for the existence of the masses. Kimeria’s use of a first person singular pronoun ‘I’ and a first person plural pronoun ‘we’ (‘I’ + ‘we’) shows that he and other members of the ruling class occupy the position of exerting authority and control over “all of you”, the subjects, the governed. It also shows that the Kimerias of the

novel's world are in the position of manipulating the police and the judiciary to unleash oppression on the less-privileged.

Undoubtedly the judiciary is corrupt. The inability of judges to perform as Ngugi reveals in *Devil on the Cross* is clearly expressed in their habitual way of taking kick-backs. This corruption occurs in the imaginary neo-colonial country of the novel because colonialism leaves the neo-colonial country with no home-grown industrial capital. Therefore, the only accessible capital is obtained through the departments of the state, by looting the state-owned and state controlled firms, skimming infrastructure projects and the likes. Of course, in *Devil on the Cross* the neo-colonial Kenyan judiciary among other select social institutions like the police and the military exists not to appease everybody but to replicate the monstrous face of colonial culture of cunning, stealing and repression. By doing so, it negates its real role of effectuating fairness. Gitutu wa Gataanguru, in a flashback, narrates how his father as a court leader survives through the game of accepting bribes:

My father was a court elder in the only courts black people were allowed to sit in during the colonial era, the *native tribunals*... It was during his tenure of office at that court that he learned how to straighten the law here, to break it there, and particularly how to bend it here and there to make it serve certain ends. He grabbed other people's land. There was not a single black man in those days who could beat my father in court cases. All the members of tribunals, from Cura in Kiamba to Murang'a and Nyeri, were his bosom friends. They normally came to our house to drink beer. On such occasions, my father would slaughter the best sheep in their honour. Once or twice he even slaughtered a bull! As a result, he grabbed other people's land without fear and became a big landowner (101).

In this excerpt the picture of a colonial world is painted. It is a world where racial discrimination is prevalent; a world where the white man remains the master while his loyal black man only serves as a servant, regardless of his social standing; a world where the colonizer possesses ownership of the means of production and exploits the workers, leaving them with a meager salary. Discovering the fact that such "a salary is nothing for a man with a family to look up to" (102), Gitutu's father resolves to go in the cunning way of his colonial master in order to acquire wealth, to the detriment of the masses. In essence, he corrupts himself and also the law, and subsequently instructs his son to indulge in the act of subornation.

This deceptive attitude which Gitutu's father had learnt from his colonial masters is, now, fully practiced by the judiciary in the Kenya post-colonial era. For instance, Gitutu, after being a teacher for a while at Maambere, Thogoto, in Kiambu district, abandons teaching, and joins "the high court, Nairobi, as a *court clerk and interpreter*" (101), "marking time with" his "meager salary"(102-3). Accordingly, Gitutu returns to his "father's origins" (101) and remains "in hiding in the law court that used to convict and sentence Mau Mau adherents to death" (106). Gitutu's image is further revealed in the type of names he is christened with: "Rottenborough Groundflesh Shitland Narrow Isthmus Joint Stock Brown" (99). These names show the corrupt lifestyle which the characters that represent the judiciary display against the other characters like Wariinga, Wangari and Muturi that represent the Kenyan populace. The scatological terms



“Rottenborough,” “Groundflesh” and “Shitland” connote decay and are real metaphors for the depravity and degeneration of the capitalist system. This is true because Ngugi recalls in the novel that since the inception of colonialism till independence the Kenyan masses have been alienated from their land. Ngugi demonstrates this by showing us characters like Gitutu and his cohorts whose motives and actions indicate that they are the veritable instruments of deprivation. Gitutu’s class enriches itself by cunningly taking what belongs to others, the masses. Gitutu states that:

...after Uhuru a few black people started buying the lands for which the Mau Mau had fought...I had hardly a cent in my pocket. But having watched the way the country was moving since the flag had been hoisted high in the sky, I was confident that for as long as I lived, I would surely be able to survive by looting other people’s property (103).

What a testimony from Gitutu at the cave in Ilmorog, the cave which exposes the neo-colonial culture of cunning, stealing and repression wherein the Devil’s Angels function. As long as Gitutu works in the neocolonial law courts, with a “meagre salary” (103), the following wrong calculation must prevail in the land: “Hunger x thirst = famine. Famine among the masses = wealth for a man of cunning” (104). Indeed, for him, what matters is not the question of what side one fought in the battle for freedom but “the handsome physique of money” (104).

The deduction from Gitutu’s crookedness is that in post-colonial African society there are individuals who hide under the cover of law courts to grab people’s land or commit any atrocity in the society and go scot-free because of their connection with judges and lawyers. In other words, being a friend of judges and lawyers makes the difference. Besides, how much a person cares for a judge will determine whether or not a person will win a case in the law court. Of course, the activities of the judiciary indicate pure economic exploitation and social oppression. The judiciary which is supposed to be the last hope of the masses as portrayed in *Devil on the Cross* becomes the last straw that breaks the masses’ backbones.

### **The Judiciary in *Matigari***

The picture created in *Devil on the Cross* is not different from the one created in *Matigari*. Ngugi’s *Matigari* represents an African nation that has independence without nationalism. The setting of *Matigari* is indeterminate. On the blurb of *Matigari* it is spelt out that the novel “has no fixed space. Here or there...this region or that region” (ix). Although the setting of *Matigari* is not fixed, it is undoubtedly Kenyan. The publication of the novel was first done “in the Gikuyu-language original in Kenya in October 1986” (*Matigari* viii), says the author, Ngugi. In addition, spicing the narrative of *Matigari* with the song sang in *Devil on the Cross* (39) is evident (in *Matigari* 6). The names of the characters also show the setting as Kenyan. For instance, a name like Matigari ma Njiruungi is a Gikuyu name meaning “the patriots who survived the bullets – the Patriots who survived the liberation war and their political offspring” (*Matigari* 20).

In “Ngugi’s *Matigari*, a Non-Materialist Discourse and Post-Modernism”, Ander Breidlid points out that *Matigari* dwells on war waged against repression and exploitation. *Matigari*, the

protagonist of the novel, Breidlid continues, “represents these ideals of resistance against oppression” (3). Matigari’s response to repression and exploitation, also, according to Breidlid, represents “a paradigmatic shift in Ngugi’s development as an author. Breidlid maintains solidly that “as a prophet, Matigari not only passes judgement on the state of affairs, but also projects a vision of a new Jerusalem” (3).

The story of *Matigari* centres on Matigari ma Njiruungi who uses his AK47 gun to fight against settler Williams who represents all the colonial imperialists. Matigari kills settler Williams and buries his gun in “a huge mugumo, ‘a fig tree’” (3) and leaves the forest for his home to seek for truth and justice. Unfortunately truth and justice cannot be found. *Matigari* represents the Kenyan people in particular, and all Africans in general, whose hopes have been dashed after independence.

The expectations of the Kenyan masses, who desire a political autonomy and feel they are historically or culturally a separate people within their own country are cut off after Kenyan’s independence. While a few Kenyans like his Excellency Ole Excellence, John Boy Junior and the Minister for Truth and Justice are seen enjoying the fruits of independence alone, the majority of the Kenyan people, like Matigari, Guthera, Muruiki, Ngaruoro wa Kiriro (the labour leader) and others are left in a hopeless and wretched situation.

In *Matigari* Ngugi exposes the ironies in the institution of the judiciary established in Kenyan society. These ironies are presented through the judicial officers and the other characters that represent the judiciary as an institution.

The ironic portrayal of the judiciary is depicted in *Matigari*. The judiciary is said to be independent when it is not. The character known as the minister for Truth and Justice, a symbol of injustice, is a representative of the judiciary. In the novel there is irony in the following statements made by him: “I am the Minister for Truth and Justice. ... I too am under the law, and I believe in the independence of the judiciary” (121). The irony in these statements is that the judiciary which is claimed to be independent does not function without the influence and interference of the government executive. This means that the judiciary delineated in *Matigari* allows itself to be manipulated by the executive arm of the government. A demonstration of this is shown in the sayings of the Minister for Truth and Justice: “... I am the only minister in the whole world who travels with a whole law court, so as to be able to carry out instant justice” (117).

In addition to this false claim, the unjust character of the judiciary is highlighted. The judiciary which Ngugi depicts in *Matigari* is notorious for its unjust verdicts. The number one judicial representative, the Minister for Truth and Justice, is an epitome of lies and oppression in the society of Kenya. No single rich person is indicted before a neo-colonial court of justice in Kenya for the crimes he/she commits. All the existing crimes in the society are blamed on the poor. The manifestation of this is shown in the dispute between the two company directors – Robert Williams and John Boy – and the workers. The Minister for Truth and Justice settles the case in favour of the two rich men, just for receiving a mere bribe of 50,000 shillings and a certificate of shares. The judges and lawyers together with the permanent Professor, the PhD in Parrotology, the Editor of the *DailyParrot* and the hooded justice, who form the Jury at the emergency courtroom at the factory building deliver an unjust verdict in the case of the eleven

prisoners. Matigari ma Njiruungi and Ngaruro wa Kiriwo – the novel’s change agents – who fight a just cause are charged with insanity and are taken into a mental hospital where they are detained. It is because Matigari is desperate to know where truth and justice can be found in Kenya that “the judges have found him insane” (123). The other nine are remanded in prison.

Another example of the unjust nature of the judiciary is that while two university students who appear in court on charges of possessing books on Marxism are detained without trial, the five other students who are charged with illegal demonstration in protesting against the support of the South African apartheid regime by the United States and Western Europe are “sentenced to five years imprisonment in a Maximum Security Prison” (90).

From the foregoing, the inference is that the judiciary is an anti-progressive agent. It exists to reverse the revolutionary process and to ensure that the status quo is maintained in the society. In effect, since the judiciary’s interest lies in defiling its own basis, the law, so as to enrich itself with corrupt wealth, any efforts by oppositions to thwart its capitalistic tendency are bound to be disallowed. From the verdicts of the judicial officers, it can be said that the judges and lawyers are part of the reactionary cliques. Because they are a part, according to Kwame Nkrumah in *Class Struggle in Africa*, “they tend to distrust change and to worship the organizations and institutions of capitalist bourgeois society” (43).

## Conclusion

This article has shown that the judiciary depicted in *Devil on the Cross* and *Matigari* negates its primary function of dispensing justice in the society. All the verdicts of the jury show that the judiciary is unfair in its judgement. This apart, the judiciary is corrupt. Every of the ill-attitudes of the judiciary has not only negative effects on the citizens but also on the whole image of the nation. While the ordinary citizens are denied justice and dehumanized, the lawyers and judges and their cliques flourish at the expense of all and sundry in the society. The judiciary has not been able to function well because it still upholds and maintains the old colonial judicial system, which encouraged corruption. In other words, the neo-colonial judiciary serves as a tool of oppression, and of upholding class domination. Until an African post-colonial country makes its own laws and obeys them, and the judicial workers are paid well, and the government executive stops influencing and interfering in judicial matters, corruption and injustice will not cease in the land.

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