



## Legal Dispossession in the Postcolony: A Critical Legal Studies Reading of Ngugi wa Thiong'o's *Wizard of the Crow*

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**Abstract:** Every human society has a controlling mechanism that guides its members into behaviours that conform to the standards that the society has set for itself. This means that the legal system is crucial in the functioning of society, and postcolonial societies are no exception. The aim of this paper, therefore, is to analyse the legal system and philosophy in the imaginary postcolonial state in the Free Republic of Aburiria in Ngugi wa Thiong'o's *The Wizard of the Crow* and to interrogate the extent to which it can defend and safeguard the freedom of the masses. Using Critical Legal Studies as a theoretical foundation, this paper defends the standpoint that the legal system in the postcolonial fictional state in Ngugi's novel cannot guarantee the freedom of the masses because it has been crafted to protect the leaders and their cronies and prolong their stay at the helm of political power.

**Keywords:** Legal Indeterminacy, Reification, Law as Ideology, Neopatrimonialism, Kleptocracy, State Corporatism.

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## INTRODUCTION

Every human society operates through mechanisms of control that regulate behaviour and ensure conformity to collectively defined norms and values. Central among these mechanisms is the legal system, which ideally functions as an instrument of order, justice, and social cohesion. In postcolonial societies, however, the law often assumes a more ambivalent and troubling role. Rather than serving as a neutral guarantor of justice, it frequently operates as a mechanism of domination, reflecting the legacies of colonial rule and the interests of postcolonial elites. As a result, legal institutions in these contexts tend to reproduce inequality, legitimize authoritarian governance, and marginalize vulnerable populations, thereby transforming law from a tool of social regulation designed to maintain control, resolve disputes and the protection of individual rights into an instrument of systemic oppression.

The aim of this paper is to analyse the legal system of the fictional postcolonial state of the Free Republic of Aburiria in Ngugi wa Thiong'o's *Wizard of the Crow* and to interrogate the extent to which it is capable of defending and safeguarding the freedom of the postcolonial masses. Drawing on Critical Legal Studies, this paper argues that the legal system in Ngugi's fictional postcolony is structurally incapable of guaranteeing popular freedom because it is deliberately designed to protect the ruling elite and their collaborators to consolidate and prolong their hold on political power. However, what is legal dispossession and how is it manifested in the fictional postcolony in *Wizard of the Crow*?

Legal dispossession denotes the deprivation of what rightfully belongs to an individual or community. Legal dispossession refers to the systematic, legally sanctioned denial of justice, rights, and protections through the manipulation or failure

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of judicial, executive, and legislative institutions. In the postcolonial context, the dispossessed are the masses, while the dispossessors are ruling elites who exploit legal structures to entrench power and undermine social justice. Postcolony, a postcolony is a formerly colonised state that has achieved political independence but continues to experience oppressive forms of governance. As theorised by Achille Mbembe, the postcolony is characterised by abnormality, violence, and systemic instability, where law often functions as an instrument of domination rather than justice (*On the Postcolony* 8). Although legal institutions exist, they are frequently dysfunctional, failing to protect human rights or resolve conflicts, and instead normalising repression and inequality.

### Theorising Critical Legal Studies in Literature

The theoretical framework chosen for this study is the Critical Legal Studies. The Critical Legal Studies (CLS) Movement emerged in the late 1960s and early 1970s as a movement among junior faculty members and law students at Yale University. Prominent figures of the theory include Roberto Mangabeira Unger, Alan Hunt, Mark Kelman, Karl Clare, Mark Tushnet, Joseph Singer, Allan Hutchinson, Jerry Frug, Peter Gabel, Duncan Kennedy, Jules Getman, Deborah Rhode, Carol Gilligan, Robin West, and Catherine Mckinnon.

The Critical Legal Studies movement is deeply influenced by Marxist theory, and represents a resurgence and radicalisation of the American legal realism movement of the 1920s and 1930s. According to Alan Hunt, this legal scholarship “also has the potential of forcing itself upon the calm and untroubled world of legal scholarship in such a way as to require the latter to engage in a thorough-going debate about the nature and direction of legal scholarship and education” (1). This means CLS is a thought provoking theory that aims at reshaping legal scholarship as well as legal education. This is because Ralph Shain argues that: “Law schools need to be analyzed as hierarchical institutions that play various roles in social hierarchies” Like the legal realists, CLS scholars reject the idea that law operates independently of socio-political, economic and cultural influences. Nevertheless, CLS go further to argue that legal outcomes are not merely influenced by these forces but are actually shaped by relations of power and ideology. Consequently, they do not see legal decisions as inevitable or logically determined; rather they consider them contingent and contestable.

CLS theorists use historical, socioeconomic and psychological methods to uncover the recurring patterns in judicial and legislative decision making. These patterns, they argue, are closely aligned with

broader structures of power and privilege. CLS, therefore, rejects the claim that law stands above politics and economics. Instead, it asserts that law is inherently political and serves to maintain the status quo, thus, functioning to stabilize and legitimize the existing social order. Theorists expose the inherently socially biased nature of politics with its influences on the legal system and highlight the need for a deeper examination of underlying power structures within law and society. By exposing the ideological biases embedded within legal doctrines and institutions, CLS calls for a sustained scrutiny of power relations that law both reflects and reproduces.

It is an interdisciplinary approach to legal analysis that draws insights from the field of philosophy, sociology and political theory. Its primary goal is to develop new legal doctrines that will address and be more representative of class, gender, and race differences, geared towards a more just and equitable legal system or arrangements in society.

A central claim of CLS is that law consistently favours dominant social groups while marginalising the weak. To them, law reflects and perpetuates the dominant value system of the society by favouring the interest of the powerful. They contend that, law is unprotective of the weak instead, it is used as a weapon by those who wield power to maintain control. CLS scholars, therefore, advocate a critical examination of legal institutions and practices that address systemic inequalities and promote social justices.

CLS scholars are involved in critical legal thinking which one of its influential contributor, Mark Kelman says: “Is dedicated to ‘trashing’ the various mythologies of liberal legalism, particularly notions of adjudicative neutrality. Every judgment, and every judge ... is a political actor effecting a particular political agenda, free market liberalism” (Ward, 156). Mark Kelman’s statement quoted by Ian Ward above is an indication that neutrality on legal matters is only an assumption. He underscores the CLS position that judicial decisions are inevitably shaped by ideological commitments and political agendas. According to CLS, every formal judgment on a disputed matter is never neutral and objective as it claims to be. Judges have political agendas that influence their judgements. Hence, the claim that law is neutral, autonomous, and benign is a myth. If legal judgments are informed by particular socio-economic and political interests, then law cannot be understood as detached from power or free from bias.

The foundational claims of CLS are succinctly summarized by William Ewald, who notes that CLS scholars broadly agree on three propositions: first,

that traditional legal doctrine is incoherent, contradictory and manipulable; second, that the existing legal order is fundamentally unjust and legitimises oppression; third, that the prevailing legal and social arrangements must be transformed to dismantle entrenched hierarchies and hegemonies (669). These propositions directly challenge orthodox legal scholarship which treats legal rules as fixed, coherent, and necessary. Core CLS themes include the understanding of law as politics, the indeterminacy of legal meaning, the alignment of law with elite interests, the marginalization of subaltern groups, the presence of contradictions and binary oppositions within legal texts, and the rejection of the liberal notion of the autonomous individual. Through these interventions, CLS seeks not only to critique the existing legal structures but also to open a space for imagining alternative, more egalitarian forms of social and legal organisation.

What is the place of law in the postcolony? The legal system in Ngugi *wa* Thiong'o's postcolony has been structured not to accord freedom to the downtrodden masses but to empower the leaders and their cronies to consolidate their hold on power and to have the leverage to suppress those who do not defend their ideas and ideals. In this case, the fictional Free Republic of Aburiria as represented in Ngugi's *Wizard of the Crow*, is an irony of what a free republic should be. The situation in the novel is a replica of most postcolonial societies especially those in Africa, where, laws are framed to give undue advantages to the ruling class, to the detriment and repression of the masses. This justifies CLS view that law is political because it has been framed by man who is a political animal. This theory is central to the analysis of the legal system in the postcolonial fictional Republic of Aburiria because it illuminates the inherently political nature of law. Proponents of Critical Legal Studies (CLS) argue that law is not neutral but deeply embedded in politics, serving to protect the interests of dominant groups and to advance their agendas. In *Wizard of the Crow*, Ngugi *wa* Thiong'o portrays a legal system that is deliberately structured in this manner, functioning as an instrument of elite power rather than as a mechanism for justice.

### **Postcolonial Laws, Repression and Dispossession**

The fictional postcolonial state of Aburiria is governed by a repressive and manipulative legal system that Ngugi exposes with sustained irony in *Wizard of the Crow*. Such dysfunction is not accidental but symptomatic of the ways in which law distributes power within society. In Aburiria, however, these institutional roles are greatly compromised. The three organs of government – the legislature, the executive, and the judiciary – are dysfunctional as they are either absent in substance or function

merely as extensions of personal rule. A reading of Ngugi's *Wizard of the Crow*, raises serious doubts about the existence of the three organs of government as independent entities in the Free Republic of Aburiria, the fictive postcolony where the novel is set. The second puzzle is that where they appear to exist, their capacity to function in accordance with constitutional principles is highly questionable. In order to show how incoherent, contradictory and manipulative the legal system in Aburiria is, it is therefore imperative to examine the operation of these three organs of government.

In theory, the legislature, the executive and the judiciary are the three branches of government with specific yet complementary duties to society. The legislature enacts laws and oversees governance, the executive implements these laws, and the judiciary interprets and applies them. The legislature occupies a foundational position due to the fact that, it is the basis for the functioning of the executive and the judiciary. The reason is that, without laws there can be neither execution nor adjudication. It is given first place because until laws are enacted there can be no implementation and application of laws. Thus, the legislature forms the laws and procedures, along with examining the administration and its resolutions. However, Ngugi's portrayal of parliamentary proceedings reveals a profound abdication of legislative responsibility.

The Parliament of the fictive postcolony, Aburiria, is the legislature of the country and based in the Parliament Buildings in Eldares, the capital city. In the lone parliamentary proceeding Ngugi exposes in session in the novel, one is taken aback with what these members of Parliament do. They deviate from their main function which involves the preparing and enactment of laws, to a heated debate concerning the date of the Ruler's birthday. The omniscient narrator reports that: "Everybody in the country knew something or other about the Ruler's birthday because, before it was firmly set in the national calendar, the date of his birth and the manner of its celebration had been the subject of a heated debate in Parliament that went on for seven months, seven days, seven hours, and seven minutes ..." (12). Knowing something or a commemoration of the Ruler is neither wrong nor objectionable, but the elevation of a trivial matter into prolonged legislative crisis exposes the emptiness of parliamentary practice in Aburiria. It is heart-wrenching to see parliamentarians agonize as they expend their energies chasing shadows on symbolic displays of loyalty to the Ruler. True that participating in general debates in the Chamber is part of their functions. However, for the birthday of the Ruler to constitute a "heated debate" in parliament is the rat that they chase in a parliamentary session for "seven days,"

forgetting that their house is on fire regarding weightier legal, economic, socio-political issues. This parliamentary scenario further exposes the theme of satirical power and myth through Ngugi's use of absurdity, in the length of a birthday celebration, to criticise the decay of modern African politics through the erratic behaviour of the parliamentarians in this authoritarian regime.

Also, the hyperbole of the length of one parliamentary session on a less important item as a birthday party celebration as well as the repetition of seven in the phrase, "seven months, seven days, seven hours, and seven minutes" that Ngugi employs enhance Ngugi's mockery on an unserious "rubber-stamp" parliament in this postcolony in which the MPs are dispossessed of their mental faculties. This episode underscores the transformation of the legislature from an institution of governance into a theatre of sycophancy where a parliamentary debate becomes detached from public interest and redirected towards the consolidation of personal power. According to CLS this parliamentary episode in the novel illustrates this parliament, a legal and political institution has been emptied of its substantive content while retaining its formal appearance. The law that emanate from it is not a mechanism of accountability and justice but a performative tool to legitimize the authoritarian rule of the Ruler. Consequently, repression and dispassion are not aberrations within the Aburirian legal system but logical outcomes of a structure designed to privilege the Ruler and marginalise the populace. Ngugi's contrast of Kamiti's calm, selfless and analytical character against the likes of Tajirika driven by greed, fear and ambition does not mean the former is politically dispassionate. However, Kamiti takes on the personality and theatrical role of the "Wizard of the Crow," in a Buddhist-like detachment acting as seer, healer and quiet observer in order not to be consumed by irrationality and corruption in Aburiria.

Besides, Parliament is deliberately detached from, its constitutional functions and rights. It is a parliament that is ignorant on how dispossessed they are, of their functions and rights. The Ruler renders them useless by positioning himself above the law and the law enforcement body of Aburiria, the Parliament. As Such he bypasses them to set his date of birth in the national calendar, because according to the omniscient narrator: "In Aburiria the Ruler controlled how the months followed each other – January for instance trading places with July – he therefore had the power to declare any month in the year the seventh month, and any day within that seventh month the seventh day and therefore the Ruler's Birthday" (12). The "Ruler's Birthday" a celebration of the day he was born, ironically

symbolises the height of dictatorship, sycophancy and corruption, for no one can be born every day. For a Ruler to have absolute power over time means he is a god in this setting symbolizing the total collapse of institutional restraint for check and balances in Aburiria.

Such arbitrary power stands in direct opposition to the classical conception of the rule of law. Concerning the rule of law Aristotle writes in *Politics* thus: "It is more proper that law should govern than any one of the citizens: upon the same principle, if it is advantageous to place the supreme power in some particular persons, they should be appointed to be only guardians, and the servants of the laws" (16). This means the rule of law is upheld when law governs as individual rights and societal order are protected. Appointed guardians and servants of the law have the task ensure the protection of rights, property and societal wellbeing. Nevertheless, by imposing his birthday to be any day in the national calendar, indicates that, the Ruler of Aburiria is not a servant of the law. He is the sole author of the law, as well as the interpreter and enforcer. Yet, the rule of law implies that every person is subject to law, including those at the helm of power like the Ruler of this fictional state, lawmakers, law enforcement officials and judges. His manipulation of dates and times as he deems fit indicates his rule is arbitrary and it is the rule of man and not the rule of law. It is this legal arbitrariness that forms the foundation of repression and dispossession in Aburiria, confirming Ngugi's critique of postcolonial governance as a system structured to entrench personal power rather than uphold justice.

In addition to the contradictory and manipulable nature of the law, his dictatorship knows no bounds. For him to swap months depending on his wishes and the legislature is silent about it tantamount to lawlessness. The omniscient narrator continues that though this legislature takes a long time, "the honorable members could not arrive at a consensus mainly because nobody knew for sure the actual date of the Ruler's birth, and when they failed to break the impasse, the honorable members sent a formal delegation to the very seat of power to seek wise guidance" (12). The appellation "honorable members" is a satire, a mockery and an irony by Ngugi that indicates how dishonourable and stupid those who are supposed to be responsible lawgivers, behave at their job site. They carry out a "heated debate "over nothing, meanwhile they could just ask him. It is an insult to the institution that they represent to pass a motion of gratitude to the Ruler reason being: "For helping the chamber find a solution to a problem that had completely defeated their combined knowledge and experience" (12). The above statement leaves one wondering, how knowing

the date of birth of another, has anything to do with “knowledge and experience” as they claim. It is a toy parliament, a rubber-stamp legislature that never disagrees but gives automatic approval to the decisions of the more powerful, mighty Ruler of Aburiria without due consideration. A legislature with considerable “de jure” power but little “de facto” power, indicates that these parliamentarians do not scrutinize governmental actions which, is a part of their responsibility. Most postcolonies in Africa today are replete with such parliamentarians who in theory have the constitutional authority to pass laws but in practice remain a formal submissive body to the powerful authoritarian executive or party to the detriment of socio-economic growth.

Besides, the parliament is not only dormant in the face of a crisis but also functions through make-believe. In the wake of Baby D (democracy), due to pressure from the populace who gather at the grounds of Parliament buildings and the court to demand answers to certain questions. Both questions and answers are stage-managed by the government. It is said rumours claimed that: “The Minister had been asked to plant some elderly men and women in key positions in the public gallery for the Ruler’s address to Parliament so that when the Ruler asked the public to offer their opinions on the speech, the groomed few would stand up to bless Baby D” (718). The statement above indicates this is a fake parliament as it operates through make-believe. The Minister referred to above is Julius Caesar Big Ben Mambo, Minister of Information and Honorary Officer of the Armed Forces. The idea of planting ordinary people in the public gallery to give their opinions about Baby Democracy, during the Ruler’s address to Parliament, indicates that these MPs have no value and do not bother because they know what obtains during sessions like this one. That their opinions are not necessary as they do not count. This is an indication that opinions given in Parliaments are stage-managed by government officials like the Minister cited above, with their own political agenda. They coax such opinion-givers to support government madness like the Marching to Heaven project, which becomes a fiasco. They have been silenced completely and could neither stand the task of defending the newly born democracy nor “Marching to Heaven.”

Equally, the executive as another organ comprises the President, Ministers at the state level, governors, along with the administration, which executes and enforces laws made by the legislature. The executive implements the laws enacted by the legislature and enforces the State’s will. It is the administrative head of government. Ngugi presents an executive organ of government in which the administrative head of government, the Ruler, of the

Free Republic has usurped the power of the legislature. In the guise of coming up with a cure for the stresses of modernity, the Ruler comes up with a booklet issued by the government printer titled, “Magnus Africanus: Prolegomenon to Future Happiness, by the Ruler” (621). He claims that: “In his retreat it was revealed to him that the real threat to Aburiria’s future lay in people’s abandoning their traditions in pursuit of stressful modernity” (621). This idea of “abandoning traditions in pursuit of stressful modernity” exposes his hypocrisy. The Ruler considers modernity stressful because he is attracted to the fame and wealth that modernity offers but is not ready to embrace the accountability that accompanies with the birth of democracy which threatens his stay in power. The statement insinuates that going back to abandoned traditions in Aburiria is a must. However, this was a legal document in disguise as it spelt out the rules and regulations that should guide his countrymen from this time onwards. According to *Magnus Africanus*: “Children and youth, even those at the university, must seek out and follow the advice of adults, and when they fail to do so they must be caned on their bare buttocks. Women must get circumcised and show submission by always walking a few steps behind their men” (621). This document reveals a biased-law, and the Critical Legal Studies tenet that law practitioners do not create decisions solely based on the law, but are influenced by political, social, and economic factors, down to their current state, while deciding. His social status as Ruler, his higher hierarchical class as chief executive, and his gender as a male, plus other conditions of life, affect what he institutes as law in the above document in the novel. *Magnus Africanus* continues that: “Instead of screaming when they are beaten, women should sing songs of praise to those who beat them and even organize festivals to celebrate wife beating in honour of manhood” (621). This domestic abuse or violence against women show they are subjugated by law, instead of being protected. *Magnus Africanus* is gender discriminatory and stands in violation of equal protection before the law. His attitude towards these laws as a male is not neutral, making him a partial adjudicator who is prejudiced towards women.

That notwithstanding, it concludes that: “Most important, all Aburirians should remember at all times that the Ruler was husband number one, and so he was duty bound to set an example by doing in the country what individual men were to do in their households” (621). The booklet brings out the concept of ‘law is politics’, which is the major claim of legal indeterminacy that leads Roberto Unger in “The Critical Legal Studies Movement” published in 1983, to the claim that the rule of law is a myth. To him, this myth is designed to maintain the illegitimate domination of society by the economically and

politically powerful, as the Ruler or elites in power, because they create the law for their own protection and favour. Just like in many cases, such laws do not resolve any conflict in contemporary times. The rule of law is a myth in Aburiria; there is a glaring absence of impartiality, a characteristic of good law in the above excerpt. It is thus biased and laden with prejudices against women, evidence of its patriarchal structure.

Again, advocating for the celebration of wife beating and female genital mutilation is evidence of female repression because it incites discrimination through the law, which reveals the deeply patriarchal structure of Aburiria. Aburirian resources, and power are passed down and held solely under male control. In this patriarchal trap, a woman's access to land and to economic resources is through her husband or male members of her family. Inferring from the above publication, *Magnus Africanus* by the Ruler is a march backwards, but far from good. In Aburiria, the Ruler's word is law. To further indicate that this is law, the narrator continues: "The government would distribute the booklet free through churches, mosques, temples, and schools. Television and radio stations would be required to feature an excerpt daily, as a thought of the day" (621). The compelling and propagation of the Ruler's thought through the country's religious, educational and mass media platforms is to remind, create daily awareness and to endorse its lawfulness forcing all to comply. Teachers were strongly encouraged to impart the contents of *Magnus Africanus* to schoolchildren. This scenario is the grievous consequence of his unlawful usurpation of the powers of the legislature, which he has incapacitated with his one-man show at the helm of power, to ensure that his ideological agenda permeates every level of society.

In legal terms, "Magnus Africanus" exemplifies the CLS critique of law as incoherent, and manipulable. By bypassing the legislature, the Ruler undermines the principle of separation of powers. The excerpt from "Magnus Africanus" above is laden with violence. Going back to the unquestioning obedience of the past by children and youths in the University by asking them to follow elderly advice is good. Nevertheless, caning defaulters on their "bare buttocks" is an unjust and violent practice. He forgets that it is the role of the judiciary to interpret the laws made, settle disputes, and administer justice to all citizens. Critical Legal Studies scholars attack the orthodox conception of law as a coherent system of fixed axioms from which particular rules and decisions can be deduced. "Magnus Africanus" can be likened to the American Legal Realist Oliver Wendell Holmes Jr.'s aphorism in *The Common Law*, that: "The life of the law has not been logic: It has been experience" (5). The content of the law in *Magnus*

*Africanus* is not logical an equally not shaped by the needs of the Aburirian society but by the 'felt necessities' of the Ruler and his cronies. This makes the legal document an evidence of legal contradictions, incoherence, and vagueness, claimed by Critical Legal Studies scholars. These show these citizens are dispossessed of a good legislature as well as a good executive in Aburiria.

Likewise, to say "women must get circumcised" and celebrating "wife beating in honour of manhood" are also violent acts against these vulnerable groups of people. *Magnus Africanus* is evidence that the Ruler is not a specialist in this domain. His action bypasses this organ as the watchdog of democracy and the guardian of the constitution leaving the judiciary helpless. The new laws published by the Ruler are barbarous as they dehumanise these citizens thus dispossessing them of the rights and freedoms they are inalienably entitled to as humans. The prescribed punishments, such as caning children, mandating female submission, flagrantly violate human rights as it exposes them to degrading treatment and insecurity. Article 5 of UDHR states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (UDHR 11). Article three of UDHR stipulates: "Everyone has the right to life, liberty and security of person" (UDHR 8). The punishment prescribed above is cruel, degrading to women and children and makes them insecure. The lack of security, liberty of the masses and discrimination against women in particular, in Aburiria exposes law as a vehicle for perpetuating systemic inequality, fear, reinforcing social hierarchies and maintaining elite dominance in the postcolony.

Besides, the codification of personal will as law subtly, violates the very Preamble of the *Universal Declaration of Human Rights* (UDHR), which stipulates, "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world" (UDHR 1). In the absence of the rule of law to protect their human rights, chaos ensues from its publication in Aburiria, as the masses are compelled to recourse as a last resort, to rebel against tyranny and oppression. Kamiti intimates to Sikiokuu that the government dispossesses citizens of their voices as it imprisons people for asking questions that question "established truths or that undermine the rule of law or how the country is governed" (400). This supports the argument of legal indeterminacy as a tenet of Critical Legal Studies scholars who are skeptical about the extent to which law provide knowable answers to concrete problems.

Equally, it denies the autonomy of law. An envoy sent from Washington and by the so called 'capitals of the leading industrial democracies' in the novel, conveys their concern about what is happening in the State of Aburiria to the Ruler and crew, as he states emphatically:

"Especially the unprovoked attacks on members of the international press ... the on and off queuing in the country, especially the skirmishes between opponents and supporters of queuing. They were alarmed at the possibility of a complete breakdown of the rule of law" (557).

The fear that government authority is not constrained by a legal framework which might lead to unjust, arbitrary or unpredictable power application is complete breakdown of the rule of law. The absence of a legal system that recognises and carries out the freedom of the human will only leads to the breakdown of the rule of law as rights are violated without accountability. This poses a danger because legality and equality before the law are two fundamentals of the rule of law which are absent as people treat others the way they like. William H. Neukom, co-founder and CEO, World Justice Project argues the rule of law is the foundation for healthy communities of justice, opportunity, and peace. It stands as a critical part of an effective constitution without which government action will not be constrained. It governs the way in which power is exercised. The rule of law means that the power of the government and all its servants shall be derived from law as expressed in legislation and the judicial decisions made by independent courts, the reverse is true in Aburiria.

Besides, the envoy's fears are justified as he continues that "there was nothing worse for a people than their country falling into the hands of thugs, evildoers, and warlords and becoming a terrorist haven" (557). In fact, the Aburirian State is becoming a terrorist haven due to the inefficacy of legal institutions. Sandra F. Joireman confirms that "the efficacy of legal institutions is important to the international community as well as within a nation's borders. A country which is able to ensure its citizens physical protection and equal treatment under the law is less likely to be engaged in violent internal conflict and will not be, therefore, the source of potentially destabilizing refugee flows" (4). It is the prevalence of politics over law that leads to the latter's failure to provide knowable answers to concrete problems plaguing the state like the land question, unemployment, hunger, homelessness,

thirst, as a result the masses resort to rebellion against state institutions and authority for redress. It is government that flouts Article one of UDHR which states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (UDHR 3). The ruling elites in Aburiria are devoid of a spirit of brotherhood towards the masses.

Furthermore, the Ruler issues a special decree during the publication of "Magnus Africanus," that: "Traditional African healers would no longer be called sorcerers, diviners, or witch doctors. Henceforth they would be called specialists in African psychiatry, in short, afrochiatrists and they would be allowed to call themselves *Doctor*" (622). He unilaterally takes spontaneous decisions without thinking of the repercussions. He goes ahead and launches a national test for those who wanted to become the founding doctors of the new academy asking them to present themselves at the State House. In addition he announces that: "The very best among the founding doctors of the academy would comprise the Ruler's advisory council to advise the Ruler on how best to ensure that people's heads were on straight - behind the Ruler's thought" (622). The phrase "ensure people's head were on straight - behind the Ruler's thought" is manipulative and a metaphor of deprivation of critical thinking of Aburirians to repress opposition. This means he was turning Aburirians to stooges. He thinks and acts on their behalf, they follow blindly without questioning. There are interrogation marks on the character trait of this demagogue who bypasses lawful institutions like the parliament and judiciary, to form an "advisory council to advise the Ruler" on development matters that comprises "afrochiatrists." The Ruler of this postcolony does not understand that governance is an acknowledgement of essential of institutions (legal frameworks, cultural norms) and of individual and collective actors both governmental non-governmental and.

Additionally, the judiciary, the third organ of government, interprets the laws made, settle disputes and administer justice to all citizens. It is considered the watchdog of democracy and also the guardian of the constitution. The Judiciary institutions in Aburiria exposed in the novel are the civil court and Court Martial. The image of the judiciary in Aburiria via these courts is a negative one. In the Free Republic of Aburiria, courts are smeared with corruption and laden with injustice. Vinginia, the wife of Titus Tajirika, the Chairman of Marching to Heaven, is beaten by her husband mercilessly due to a misunderstanding. Vinginia, decides to seek justice but does not know where and how and informs Nyawira about it. In trying to offer

help to her fellow woman, Nyawira asks Vinjina this question: "What about taking him to court?" (430). Nyawira's suggestion is a natural reaction for any law abiding citizen to turn to a constituted court of law to help settle disputes for a truce to reign because is it their function. However, Vinjina's response leaves much to be desired of the courts when she replies thus: "Aburirian courts? How many women judges and magistrates have you seen on the benches of justice? In any case, in Aburiria justice ends up in the pockets of the highest bidder. Do you think I can outbid my husband? No, I am not able to massage justice with bribes" (430). This is the image of Aburirian civilian courts that represent the judiciary arm of government laden with many weaknesses. It has been turned to a market where buying and selling goes on. Justice that is "massaged with bribes" is no justice at all. It is Ngugi's satire against legal institutions which have to promote the highest core values of morality but they do just the reverse as the judges and the magistrates are so corrupt.

Moreover, the courts of Aburiria are male - dominated. There are no women magistrates in Aburirian courts. This means justice has been hijacked by men in Aburiria. There is also a hint in Vinjina's statement above of patriarchal trap that makes this male dominated society to minimize and discriminate against women judges and magistrates as they are absent "on the benches of justice" which is unfair. Vinjina exposes a people generally dispossessed of a fair justice system in which women suffer more. Female judges and magistrates are dispossessed of their real positions, indicating an unequal gender representation in the judiciary. Thus, the court in Aburiria is a Man's thing. Thus, Vinjina cannot outbid her husband in court because her husband is financially stronger than she is. Hence, justice is sold in Aburiria.

Another discouraging factor about courts in this postcolony is that court proceedings are unnecessarily long and complicated as such they deter citizens. Three garbage collectors who encounter a corpse while carrying out their duty at the mountain of trash after doubting the right action to take, refuse to call the police due to the complications it will cause them as the narrator explains: "They did not want to call the police; it would take the cops a whole day to come, and they had work to do" (39). Taking a whole day to appear at the site of an incidence of this magnitude by the police is a lack of respect of the life of a human being and to prevent such occurrences. The assiduity of the police force is questionable. The omniscient narrator continues that: "In any case they did not want to get caught up in endless court proceedings. There was always the possibility that they might be accused of murder and end up in prison or have their heads

chopped off or lose a lot of money to bribe their way out. But to leave the body there might result in as much" (39). The possibility of accusing and victimizing people who are only witnesses to a murder case or the body of a deceased person found, as the perpetrators of the crime is terrifying. It signals a bad judicial system where someone's head can be chopped off for a crime he/she did not commit. The justice system is also unfair as litigants "lose a lot of money to bribe their way out." Judges who allow themselves to be bribed by forfeiting the ethic of justice for their stomach sake, are a disgrace to their profession.

Another instance of a failing of court-martial proceedings exposed in *Wizard of the Crow* is that of Julius Caesar Big Ben Mambo, Minister of Information and Honorary Officer of the Armed Forces "arrayed before a court-martial to answer charges of plotting against the State" (718). First, he was not a member of the armed force, two, there was no evidence that he broke any military law. The narrator signals that the reason for his undoing was the Ruler's vengeance over an affair Minister Mambo once had with Dr. Yunique Immaculate Mckenzie, the Ruler's bed-maker, when she worked with Mambo in the Ministry of Information. The narrator exposes the Ruler's pain on this information thus: "This stung the Ruler, and Mambo's unusual induction into the military as an honorary officer was the Ruler's ploy for vengeance. But what was cited in the trial was the history of Mambo's relationship with the late Machokali" (718). The Ruler's pain stems from jealousy of competition for a woman. The prosecution citation of the accused relationship with the late Machokali is a cover up and unjust. Yet, the Military Court condemns him without giving Mambo a chance to defend himself.

Besides, the above act is against the UDHR Article 10 which stipulates that: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him" (UDHR 22). Ngugi exposes and condemns an Aburirian Military tribunal which is partial by charging Minister Big Ben Mambo with a penal offence without presuming him innocent until proven guilty according to law in public trial in which he has no guarantee for his defence. He is brandished: "guilty of plotting with civilians to overturn the properly constituted authority... he faced the firing squad" (718). To brandish a lawful citizen, a state minister, of a crime of this magnitude without recourse to defence is satirical and exposes the theme power inequality and abuse in the legal arena of Aburiria. A law court, be it civilian, or military which takes a decision in the court proceedings based on the plaintiff's accusation is an unjust one. Judgement without trial is oppressive and

the height of injustice that produces an unjust legal order by dispossessing the citizens of their legal rights before the law in the postcolony.

Beyond overt repression, *Wizard of the Crow* portrays an unjust legal order that legitimizes and sustains oppression in Aburiria. This system produces a travesty of justice, curtails individual freedoms, and institutionalizes repression through an incoherent and manipulative legal framework. Ngugi wa Thiong'o further exposes the erosion of social justice, moral values, and freedoms of speech and movement as consequences of historically and structurally unjust legal decisions. His portrayal thus exemplifies legal dispossession in the novel under study. The legal order that Ngugi represents in the character portrayal of the Ruler in *Wizard of the Crow* is that which legitimizes and oppressive social order. Justice in Aburiria is grotesque as the citizens suffer all kinds of aggressive acts, and harassments that oppress them. It is absurd that the dictator of the Free State of Aburiria extends his male prerogatives as husband number one beyond measure. The narrator comments through this rhetoric: "What figure of a Ruler would he cut were he to renounce his right to husband all women in the land in the manner of the lords of Old Europe, whose *droits de seigneur* gave them the right to every bride-to-be?" (6). Strange that the Ruler thinks that to establish his power over the country is to husband all women to satisfy his sexual urge, whereas he has a wife. This makes him a sex maniac. It is a mockery and ridicule, that he calls himself "husband number one" which gives him authority over all women in Aburiria including those of his cabinet ministers. This idea is captured in this rhetoric: "How many men, particularly his ministers, had he humiliated by ordering them to send him their wives, daughters, or girlfriends?" (235). These men, especially cabinet ministers have not only being depersonalized and dispossessed of their daughters, wives, girlfriends but of any little dignity they have, this is the peak of moral decadence, a travesty of justice which portrays the Ruler as a beast. By thinking it is legal for him to be promiscuous since he is, husband number-one and at the same time father of the nation means the Ruler is a man devoid and dispossessed of all decency, honour and integrity in Aburiria.

In the same token, the women are brainwashed to acknowledge the Ruler's amorous advances as a state service they are rendering to him. The narrator continues that: "At first he assumed that the women would offer at least some token of resistance to his advances, and he was always surprised by how quickly they yielded to his amorous gropings as an act of personal honor and recognition!" (235). Therefore it is not just the husbands or men in Aburiria who are depersonalized

by the Ruler but all the women he sleeps with. They are so gullible that they think sleeping with the Ruler is a recognition and an act of honour for them. Meanwhile, it is an act of humiliation that the wife of another man, will sheepishly give in to the amorous advances of another's husband in an adulterous act. The narrator concludes that even those who were indignant before in the presence of their husbands became sober, coquettish and genuinely flattered to be of the service of power when their husbands turned their backs (*Wizard* 235). This is the height of moral crisis in Aburiria, when wives brought by their own husbands to the Ruler, think that making the bed of the latter is being at the service of power. The contrast employed by Ngugi to show the difference of behaviour in these women in the presence of their husbands "indignant" and in the absence of their husbands "sober, coquettish and genuinely flattered..." is a pointer to hypocritical love of these women towards their own husbands. It is Ngugi's satire towards the marriage institution which has been watered down, deprived of the importance and dignity it deserves. The Ruler thinks promiscuity is his legal right as the "number one husband" and at the same time "father" of the nation. He fails to realise the incongruity of fathering girls today and "husbanding" them the next day. It is an oppressive social order in which both these men and the women are humiliated, oppressed and dispossessed of their rights. To this silence towards this unjust social order Ngugi retorts through a better organized queue in procession Kamiti finds when he returns from America with a clear sense of purpose expressed in a song thus: "The people have spoken / The people have spoken / Give me back my voice / The people have spoken / Give me back the voice you took from me" (591). The song above is a radical reclamation of the voice of the people which is a representation of their freedom rights that have been repressed and silenced in post independent Aburiria. Yet, Kamiti increasingly "met more people singing about the people's voice heading for Eldares" (591). This indicates a determination by the people to put an end to the curtailment of freedom of speech as they proceed to the seat of political power, Eldares, the capital city of Aburiria.

Notwithstanding, the Ruler does not joke with those who toy with revolutionary ideas in postcolonial Aburiria. The narrator reports that: "The Ruler broke the back of organized resistance ... proved adept at stifling all other nascent opposition through the carrot and the stick. He gave the carrot to the elite of the various ethnic communities and the stick to all signs of defiance" (234). Breaking the back of organized resistance is an imagery and metaphor for repression that keeps the country fragmented and incapacitated from an organized stance against unjust laws that oppress the masses. Worth noting is the narrator's comments about his aging of rule that:

“His rule had no beginning and no end” (5). In order for his eternal reign not to be perturbed, he secretly consults an oracle in a neighbouring country who assures him that only a bearded spirit can seriously threaten his rule (*Wizard* 5). Since he is a monarch, the meaning he reads in this is that, no human could overthrow him, for since they had no bodily form, spirits could never grow beards. His sensitivity to grown beards becomes obvious as the narrator states that he “becomes sensitive to beards and then decreed what came to be known as the Law of the Beard, that all goats and humans must have their beards shaved off (5). Shaving which is optional is supposed to be for cleanliness or personal hygiene, aesthetics and or cultural norms and thus its institution as law is absurd.

However, nothing deters him is this resolve in the way he treats Professor Materu a University professor of History who, “had been in prison for ten years for crimes that included writing a book called *People Make History, Then a Ruler Makes It His Story*” (20). The allegedly literary sins or crimes of this historian still consumes the Ruler because he speaks out and defies the repressive atmosphere of curtailment of freedom of speech and writing by the Ruler in this supposedly “Free Republic of Aburiria.” The Ruler is a plagiarism criminal for claiming authorship for others’ creative works. Putting this professor behind bars for ten years is a socio-political and legal blackmail to cover up his own inadequacies and stave off revolt. Added to the above crime that stifles creativity by the Ruler the narrator reports that: “On his arrival in prison the Professor’s long beard had been the first thing to go under a blunt knife” (20). This earns him the Ruler’s appellation “terrorist of the intellect.” The Law of the Beard in the Aburirian postcolony is a proof of CLS law indeterminacy and political nature.

Members of the executive organ are disrespected, subordinated and manipulated by the Ruler. He has no regard for them as he plays them against one another through divide and rule. His ‘continued taciturnity’ results in political schism rampant amongst the ruling elite in Aburiria points to an oppressive social order. They get busy trying to please their lord and master the Ruler and fighting one another through blackmails, as the state administration suffers in dysfunction. His Ministers of state who ought to be good examples of law abiding citizens to the rest of the nation fight amongst themselves for power and neglect the development of their country and wellbeing of their people. Sikiokuu and Machokali according to the narrator, “had been playing a game to see which was stronger, the Ears or the Eyes of the State” (236). The game referred to between this Ministers reflects the fragmentation of Aburirian nation-body. In a grotesque absurdity,

Ngugi depicts these characters as disjointed body organs, ears, eyes that fight each other headed by the Ruler leading to a dysfunctional government. The political strife leads to their own peril in the novel, as they plot against each other to retain their place of honour that results in chaos.

In addition, this dictator is used to lifting a few, singing their praises, taking them with him everywhere for every ceremony, and just when they start believing that they are indeed as the narrator describes: “The well beloved of the father” the dictator will suddenly pull the magic carpet from under them. The dictator’s reputation for making minister plot against minister, region rise against region, and community fight against community was now a matter of legend”. To be described as a “legend” to make one’s subordinates destroy themselves connotes the Ruler’s cruelty and sadistic character. His purpose for doing this is to thwart any alliance among his ministers that can cut short his stay in power. The narrator continues that: “The Ruler never let anyone know what was expected of him to retain his place of honor. Even humility and self-abnegation, however abject, were not enough to prevent one’s downfall” (231). It is natural that when an employee feels that his service falls beyond expectation such will double his efforts to please his employer. This is the kind of nightmarish relationship the Ruler has with his ministers. He is always at the top of situations, lording it over their lives. His ministers always at the beggarly side, at his mercy dispossessed of self, to the extent of self-abnegation.

Moreover, to please the Ruler further, they make themselves his puppets by deforming their body parts, to receive recognition and consequently, promotion, due to their lust for power. Notably amongst his ministers are Yawe Machokali, the Minister of Foreign Affairs and Silver Sikiokuu, the Minister of Information, who used to be Members of Parliament before their Ministerial appointments. Through a flashback narration Ngugi exposes the background and transformation process of Markus, as Marchokali was fondly called thus: “Markus used to be an ordinary Member of Parliament. Then one day he flew to England, where under the glare of publicity he entered a major London hospital not because he was ill but because he wanted to have his eyes enlarged, to make them ferociously sharp, or as he put it in Kiswahili, *Yawe Macho Kali*” (13). It is surprising that a Minister of State goes to a hospital abroad when he is not sick for an eye surgery, putting his life in jeopardy just to please his Ruler. This is self-sacrifice at the altar of power. However, the fact that it is not done secretly but “under the glare of publicity” exposes his hidden agenda as a shrewd character who knows exactly what he wants. The surface reason for his action is so that: “They would

be able to spot the enemies of the Ruler no matter how far their hiding places. Enlarged to the size of electric bulbs, his eyes were now the most prominent feature of his face, dwarfing his nose, cheeks, and forehead" (13). It is Ngugi's humour to mock such obsession for power that knows no bounds. The imagery of electric bulb size eyes that dwarfs his nose, cheeks and forehead is wry humour by the author to paint a caricature of this postcolonial regime as a whole. This earned him a ministerial post as the Minister of Foreign Affairs.

The Minister of State for Foreign Affairs' ferocious eyes due to power hunger, dispossesses his natural self-image, his personality. A.G. makes a humour out of his looks during their American trip when all were sleeping except him that: "Machokali was the only one among them who answered to his name, Ferocious Eyes" (502). Ngugi translates "Machokali" from Kikuyu to enable his readers to visualize his "ferocious eyes" and how alert they are to what was taking place yet A.G adds that, "although, with him it was not always easy to tell, because his huge eyes were always the same size and never closed, even when he slept (502). Ngugi's sarcasm above provokes laughter and pathos at the same time because he had a prize to pay by not resting his eyelids ever as he is dispossessed of sleep and rest. It is so pathetic, even the divine order of things is altered by human beings who think they are wiser than their maker. His appearance is pathetic and can be compared only to a mask.

In the same vein through an analeptic narration Ngugi exposes the escapades of Minister Silver Sikiokuu, Minister of State in the Ruler's office in charge of spying on the citizenry, as a Member of Parliament who following Machokali's example, has to go for surgery that altered his physical appearance to ascend the seat of power. The result is that: "His ears were larger than a rabbit's and always primed to detect danger at any time and from any direction" (14). The comparative adjective "larger than" a rabbit's ear, projects the image of a beast in human form. Least to talk about detecting danger from any direction with his large ears. This is because detecting danger is not the function of hearing alone it is a function of all the senses put together plus discerning wisdom. The Ruler falls for his action also as the narrator confirms: "His devotion did not go unnoticed, and he was made Minister of State in charge of spying on the citizenry. The secret police machine known as M5 was now under his direction. And so Silver Sikiokuu he became, jettisoning his earlier names" (14). The act of "jettisoning his earlier names" symbolises Sikiokuu's self-abnegation. It is proof of a total sycophantic metamorphosis and unwavering loyalty to the Ruler over his own identity. Hence, referring to Sikiokuu's act as a sign of

"devotion" makes the Ruler of Aburiria a greater fool, because such will be only his shadow with no innovations for Aburiria. For a Member of Parliament who carries himself to a health care facility abroad (France), changing his natural ears to be large and long always "flapping his ears from side to side" (*Wizard* 526). He dispossesses himself of his humanity and is not fit to be called human. Even his very appearance is oppressive to onlookers.

The result of their actions and appointments from the Ruler set the ground for their endless fighting as it becomes the battle between the eyes and the ears. The narrator confirms their struggle as they sit in the stadium during the Celebration of the Ruler's birthday thus: "It had long been known that the two were always in a mortal struggle to establish which organ was more powerful: the Eye or the Ear of the Ruler" (14). The two refers to Machokali and Sikiokuu. For them to be in a mortal struggle, trying to kill one another due to their relative importance to the state, shows how naïve and empty the Ruler's Ministers are. They fail to realise that both organs have specific functions and one cannot do the work effectively without the other. They lack knowledge for social cohesion to work in synergy for better results to be attained as state servants is disappointing. In this wise they make a fool of themselves in public as: "Machokali always swore by his eyes: May these turn against me if I am not telling the truth. Sikiokuu invoked his ears: May these be my witness that what I am saying is true - and in mentioning them, he would tug at the earlobes" (14). Swearing in this context by these two erstwhile Ministers is a loud sounding nothing, it enhances their stupidity and makes them unfit for their posts. Machokali always gestured by pointing at his eyes for emphasis. The narrator concludes that since Machokali could not tug his eyes like Sikiokuu tugged his earlobes, it "gave him a slight edge in their rivalry for attention" (14). The conclusion is that this fight is for personal gain, for attention and recognition and not for service as they claim a situation responsible for the 'legal conundrum' in most postcolonial African states today.

As aforementioned, the schism of the above Ministers makes them neglect the development of the state and the wellbeing of the governed, the masses. Ngugi paints a filthy picture of Eldares with garbage-mountains all over the town and people feeding from it due to hunger. Kamiti goes back in time in an analeptic narration by Ngugi, to recount his frustrations in Eldares as he recalls: "Moving from office to office asking the same question, is there any vacancy, was what he did the rest of the morning, until the middle of the day when hunger drove him to the foot of the garbage mountain to see if he could find some cast-off tomatoes or the remains of any

other edibles (70). There are three social problems that are responsible for an oppressive social order decried by Critical Legal Studies scholars observed in Kamiti's story above, the first is unemployment and the second is hunger, and the third is the garbage mountain, which is waste disposal issue. A man with a Master's Degree in Business Administration, moving from office to office in search of a job to no avail and finally resorting to a garbage heap that is seldom cleared, to quell hunger is nauseating and symbolizes neglect, misery, poverty caused by the bad governance of the ruling elite. Ngugi exposes Aburiria as a prototype of most sub-Saharan African cities as soulless postcolonies, where its intellectuals have been reduced to beggars and scavengers due to unemployment. As if this is not enough Kamiti adds that: "What he liked about tomatoes, pineapples, and bananas was that no matter the dirt on them he could always peel off the skin and reach the clean content" (70). Giving his preference in this quotation is an indication that he was a regular visitor of the garbage mountain to the extent that he had developed love for some edibles, like tomatoes, pineapples and bananas. The hyperbole in Mountain of garbage signifies that the garbage dump is neglected and is so huge that it has become a mountain which is dangerous to the health of the Eldares populace an indication of a dispossession of food, good hygiene, and consequently good health due to government neglect.

However, as it turned out, he continues: "He did not pick up anything because that was the time he collapsed and felt himself, or rather his soul-self, disconnect from the hungry body" (71). For Kamiti to be so hungry that he collapses is a near death signal. For a country that Ministers are using tax payers' money to increase their eyes, ears and tongues sizes, length and doing nothing to improve the hygienic conditions of the country, create employment and supply food tantamount to the misappropriation of state funds and it is criminal. All they do is create fear bigotry and hate. To further justify the lack of food, Nyawira's conversation with Kamiti at the prairie as their hiding place, justifies the fact that the Aburirians are starving. She disrupts Kamiti by asking thus: Look at our Aburiria today. How many households have a granary? None, because they have nothing to store" (204). Her point here is that normally there is no home that can answer to the name of home without a granary being part of the architecture from olden times. The image and symbol of the "granary" used is a metaphor for saving for rainy days and unforeseen contingencies. The people of modern Aburiria are so dispossessed of the basic necessities of life that there is no food, no shelter or home not to talk of the one to keep in the granary. This is the reason why they build the so called "home" in Aburiria without a granary as part of the architecture. They are also dispossessed of shelter as Kamiti departs abruptly from the

corruption of Santalucia and adopts the wild, the prairie. This is the reason why most Post Independence African city streets are filled with such dispossessed people who live under bridges and the streets creating other humanitarian challenges in our globe.

In addition to the above they cannot boast of a good sewage system as such the citizens are dispossessed of the basic hygienic conditions that can promote healthy living. In Aburiria the height of bureaucratic neglect during the celebration of the Ruler's birthday. Minister Machokali's shoes get stuck in a messy pool near the platform where the Ruler, his Ministers and foreign dignitaries from the Global Bank are seated. The narrator affirms thus: "The muddy pool had grown bigger, and his shoes were now half sunk in the darkish mess. The smell was that of a mixture of urine and shit, but he could not tell for sure what the substance was" (252). The imagery of filth evokes the olfactory sense by the shoes of a minister "half sunk in a darkish mess." It shows how careless and negligent they are. It is shameful that a minister of state should organize an event of this magnitude without care taken to make sure all is well and the site suitable for hosting the event. If this platform is sinking it means the whole country was standing on a pool that is giving way. Nyawira's report indicates that: "The platform on which he and the guests sat had begun to sink slowly, as if a power from within the bowels of the earth were pulling it down. A liquid oozed from the platform, slowly forming a muddy pool. Had the platform been erected on a bog? The foreign diplomats and bankers were the first to flee" (252). These are embarrassments that come from neglect, of lack of maintenance of infrastructure in this postcolony by the ruling elite. The author uses the sense of smell "a mysterious foul-smelling pool" to portray how nauseating the Ruler's regime has become not only to Aburirians of good will but to the world at large. Nyawira later tells Kamiti that: "I myself did not see the pool, but something must have happened to make His Mightiness run away like that...I can only assume that the sewage system installed by the colonial administration and never since maintained or repaired had run amok" (252). The sewage running amok symbolizes the stench emitted by this heartless despot in this country that cannot even boast of a good sewage system but wants to incur more foreign debt to finance the so called "Marching to Heaven," which is a 'white elephant' project that endangers the economy. A characteristic of African regimes that mortgage the future generation to repayment obligation with unproductive project that decreases the nation's GDP today is a cause to worry.

Furthermore, arbitrary arrest and detention which is a breach of justice and an abuse of human

rights is rampant in Aburiria perpetuated by hierarchy. Tajirika the Chairman of Marching to Heaven is arbitrarily arrested and kept in custody for four months without trial. Sikiokuu calls this act “protective custody” when interrogated by the Ruler, he retorts: “Tajirika wasn’t actually arrested – it was just protective custody. Or, what do you say, Titus?” (527) Tajirika answers in the negative and he informs the Ruler thus: “‘No, no,’ protested Tajirika. ‘I was being detained for real. I was imprisoned in a real cell. But Your Mighty Excellency, being put in a prison cell was not the worst ...’” (527). Due to her husband’s abduction Vinjina tries to file a habeas corpus – a writ requiring a person under arrest to be brought before a judge or in court, especially to secure the person’s release unless lawful grounds are established for their detention – to no avail. The narrator reveals thus: “She was advised to get a lawyer to file a habeas corpus, but no one would take her case, citing one excuse or another. “You are wasting your money for nothing, one lawyer was honest enough to tell her” (302). It is unfair for lawyers to reject cases no matter their excuses, because their refusal to do so beat the very essence for which they are legal practitioners, which is to administer justice especially in unjust situations.

Moreover, one lawyer confirms that: “In Aburiria we are governed by personal whims” (297). This signals the violation or absence of the rule of law in Aburiria. Then Vinjina wondered: “With the Ruler in America, who was making new laws under which people were being abducted at night?” (302). A society where one cannot turn to legal professionals such as lawyers for redress of an unlawful act against one is a lawless one. One of the intriguing areas of debate in Critical Legal Studies is about law students who distance themselves from reality. Their education gives them a particular ideological framework without their notice. Critical legal scholars agree that law is political so too legal education is. Ian Ward argues that: “Again, it is not the politics of law that matters, but the denial of it” (Ward 160). Agreed law is political and is utilised as a governmental tool to stabilize society. Nevertheless, the denial of law points to a failure of the legal system to operate as a binding and impartial set of rules that has led to apathy towards it. Hence, it is the politics of law in Aburiria that has led to a denial of justice by a failed judiciary that bars access to courts, unnecessary delays in proceedings, non-enforcement of judgments that make lawyers to shy away from helping Vinjina to file a habeas corpus for her husband’s abduction. Therefore, according to Ian Ward drawing insight from Duncan Kennedy, if society has to be reformed such reform must begin in the legal profession and legal education where he suggests, law teachers should worry less about, ‘teaching legal minutiae and more about instilling a

social conscience in their students” (Ward 160). It is a lack of social conscience that makes these lawyers not to leave their comfort zones and challenge lawbreakers on the seat of power like Minister Sikiokuu, despite the curtailment of freedom of speech and movement. By incarcerating the innocent without recourse to their unjust actions is what Ngugi debunks. What these lawyers do not know is that without performing their duties they are useless to Aburiria and their training is in vain. The absence of such social conscience renders Aburirian lawyers complicit in oppression highlighting a dispossession not only of citizens’ rights but also of the ethical purpose of the legal profession. Without challenging injustice, the law and those trained to uphold it, becomes irrelevant, serving the whims of the powerful rather than the protection of the people.

## CONCLUSION

In conclusion, this paper set out to analyse the postcolonial legal system in the fictional Free Republic of Aburiria in Ngugi’s novel, *Wizard of the Crow*. An analysis of the novel from the lens of CLS, reveals that the legal system in this state has been designed to repress and suppress the down-trodden masses of the country and give undue powers to the Ruler and his acolytes. As Martin Luther King Jr. once said oppressed people cannot be oppressed forever because the thirst for freedom will eventually come. However, the repressive government is toppled by a popular uprising that ends in a palace coup d’état by the end of the novel, staged by one of his cronies who becomes the new Ruler of Aburiria with the appellation “Emperor Titus Flavius Vespasianus Whitehead” (Ngugi 753). This reveals that a cyclical chain of imperial democracy had dawned in Aburiria indicating repression will worsen. Nevertheless, the Movement for the Voice of the People, under the leadership of the founding president, Nyawira, intensifies their underground activities to challenge imperial corporonialism responsible for the repressive legal system that undermines the rule of law.

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